

SANDY SPRINGS GEORGIA



Rezoning Petition No. RZ09-001/CV09-003

HEARING & MEETING DATES

Community Zoning Information Meeting	Design Review Board Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
March 24, 2009	March 24, 2009	April 23, 2009	May 21, 2009 July 16, 2009	June 16, 2009 August 18, 2009

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Church of Scientology	Church of Scientology	Woody Galloway

PROPERTY INFORMATION

Address, Land Lot, and District	5395 Roswell Road (SR9) Land Lot 92, District 17
Council District	5
Frontage and Area	325 feet of frontage along the north side of Glenridge Road and 420 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.78 acres (77,536.80 square feet).
Existing Zoning and Use	O-I (Office and Institutional District) conditional under Fulton County zoning cases Z83-0119, currently developed with a brick building totaling 32,053 square feet 11,193 square foot parking deck.
Overlay District	Urban District
Comprehensive Future Land Use Map Designation	Live Work Community (LWC)
Proposed Zoning	O-I (Office and Institutional District)

INTENT

FROM O-I(OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I(OFFICE AND INSTITUTIONAL DISTRICT)

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow for a church in the existing building. The proposed renovations will increase the building square footage from 32,053 square feet to 43,916 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 24,671.91 square feet per acre.

Additionally, the applicant is requesting three (3) concurrent variances as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).
2. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).
3. To reduce the twenty (20) foot side setback to five (5) foot to allow the existing building to remain. (Section 8.1.3.C, *Development Standards*)

R 000308

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
 RZ09-001 - APPROVAL CONDITIONAL
 CV09-003 #1 - APPROVAL CONDITIONAL
 CV09-003 #2 - APPROVAL CONDITIONAL
 CV09-003 #3 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the May 21, 2009 Planning Commission hearing. The Commission recommended for a 60 DAY DEFERRAL (4-0, Thatcher, Pond, Rupnow, and Rubenstein for; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- June 16, 2009

The petition was heard at the June 16, 2009 Mayor and City Council hearing. The Council DEFERRED the petition to the July 16, 2009 Planning Commission hearing and the August 18, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the July 16, 2009 Planning Commission hearing. The Commission recommended APPROVAL subject to staff's conditions (3-2, Thatcher, Boyken, Rubenstein for; Maziar and Rupnow against; Pond absent; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- June 16, 2009

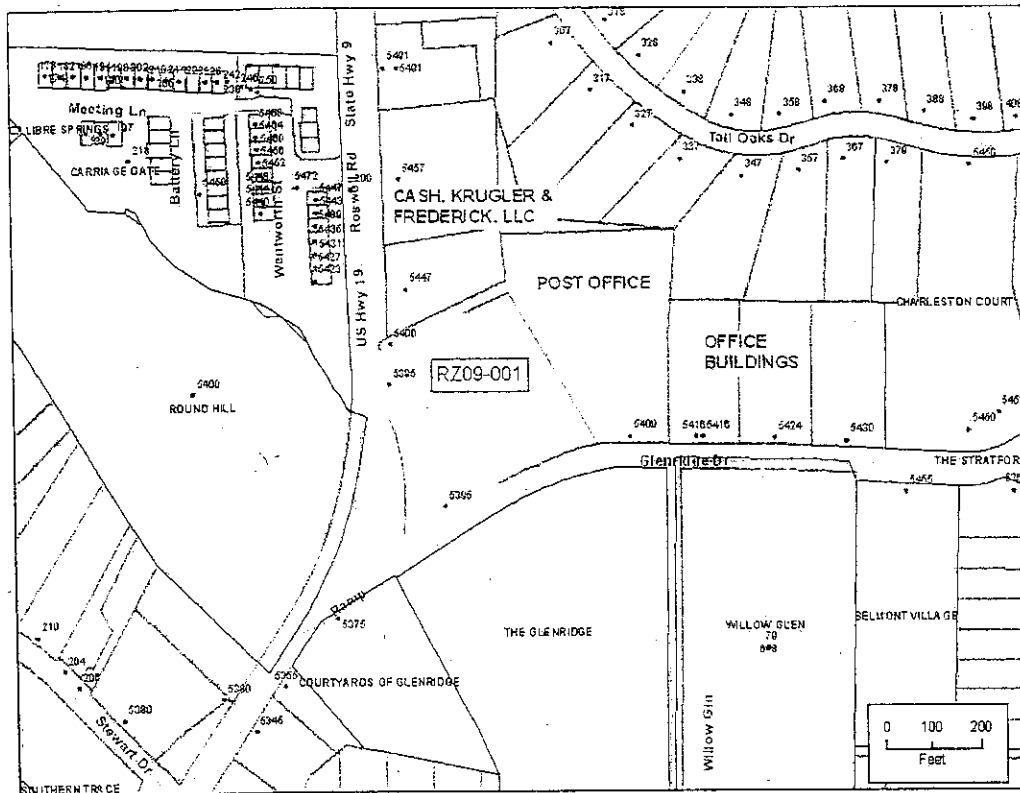
The petition was heard at the August 18, 2009 Mayor and City Council hearing. The Council DEFERRED the petition to the September 17, 2009 Planning Commission hearing and the October 20, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

1. The alternate conditions presented at the Council meeting were not developed until shortly before the Council meeting. In an effort to address the concerns of the neighborhood about the parking for the facility. The Council would like the alternate conditions to be reviewed by the Planning Commission.
 2. The Applicant is in agreement with the alternate conditions.
 3. The alternate conditions can be found on pages 19, 20 and 21 of the staff report.
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R 000309

Location Map

5395 Roswell Road



R 000310

BACKGROUND

The subject site is located on the east side of Roswell Road (SR9). The property is zoned O-I (Office and Institutional District) conditional under Fulton County zoning case Z83-0119 and is currently developed as a brick office building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

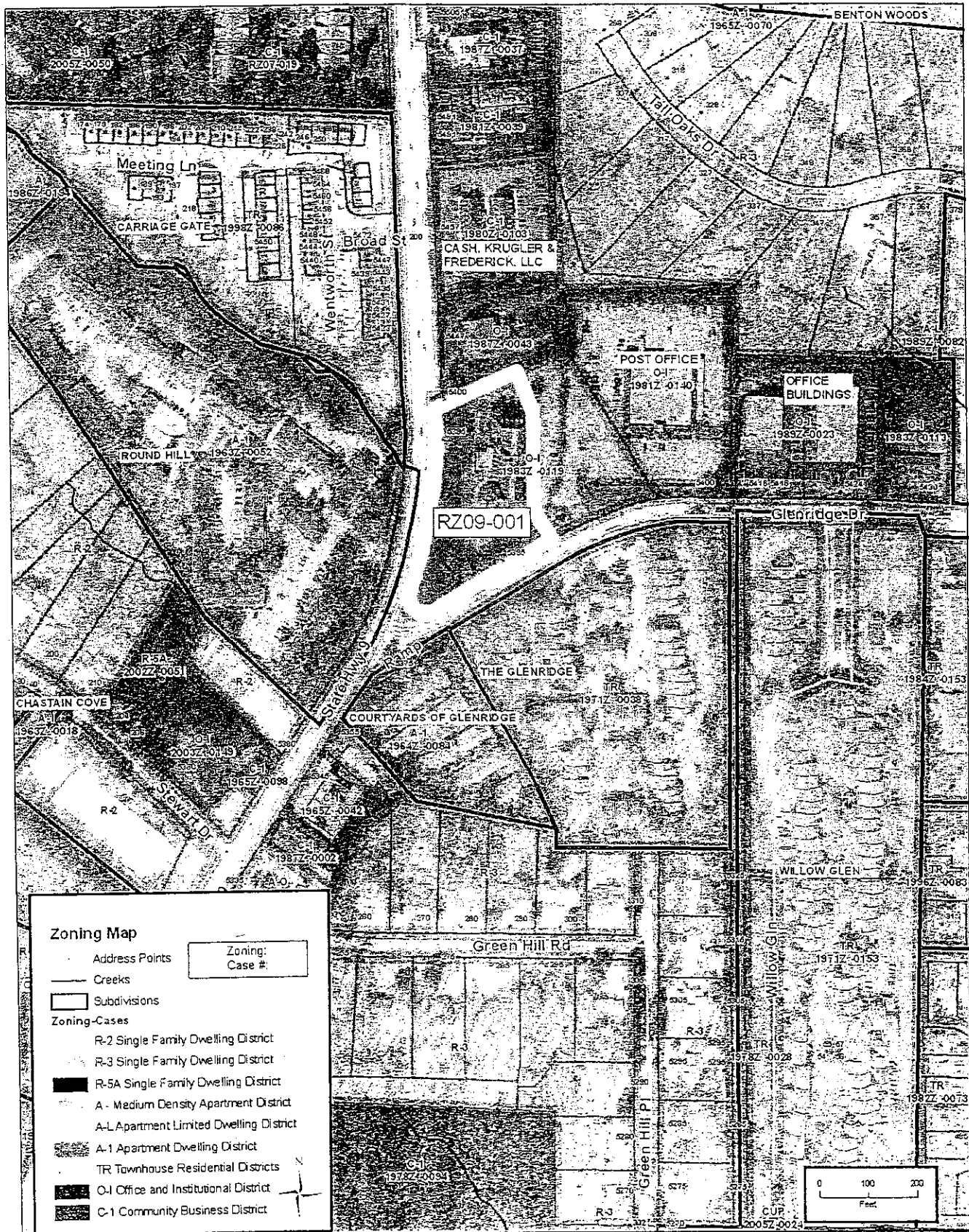
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
RZ09-001 CV09-003	O-I	Church	1.78	43,916	24,295.50 Square feet per acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	O-I conditional Z87-0043	Cash, Krugler & Frederick, LLC 5447 Roswell Road	0.94	9,000 Sqft	9,574.46 Square feet per acre
North	C-1 conditional Z80-0103	5457 Roswell Road	1.65	20,736 Sqft	12,567.27 Square feet per acre
East	O-I conditional Z81-0140	Post Office 5400 Glenridge Drive	2.93	18,125 Sqft ±	6,186 Square feet per acre
South	TR Conditional Z71-0038	The Glenridge 5201 Glenridge Drive	6.52	46 Units	7 Units per acre
South	A-1 Conditional Z64-0084	Courtyard of Glenridge 5375 Roswell Road	2.10	25 Units	11.9 Units per acre
West	A-1 Conditional Z63-0052	Round Hill 5400 Roswell Road	9.93	130 Units	13.1 Units per acre
West	TR Conditional Z98-0086	Carriage Gate Townhomes	6.84	62 Units	9 Units per acre

R 000311

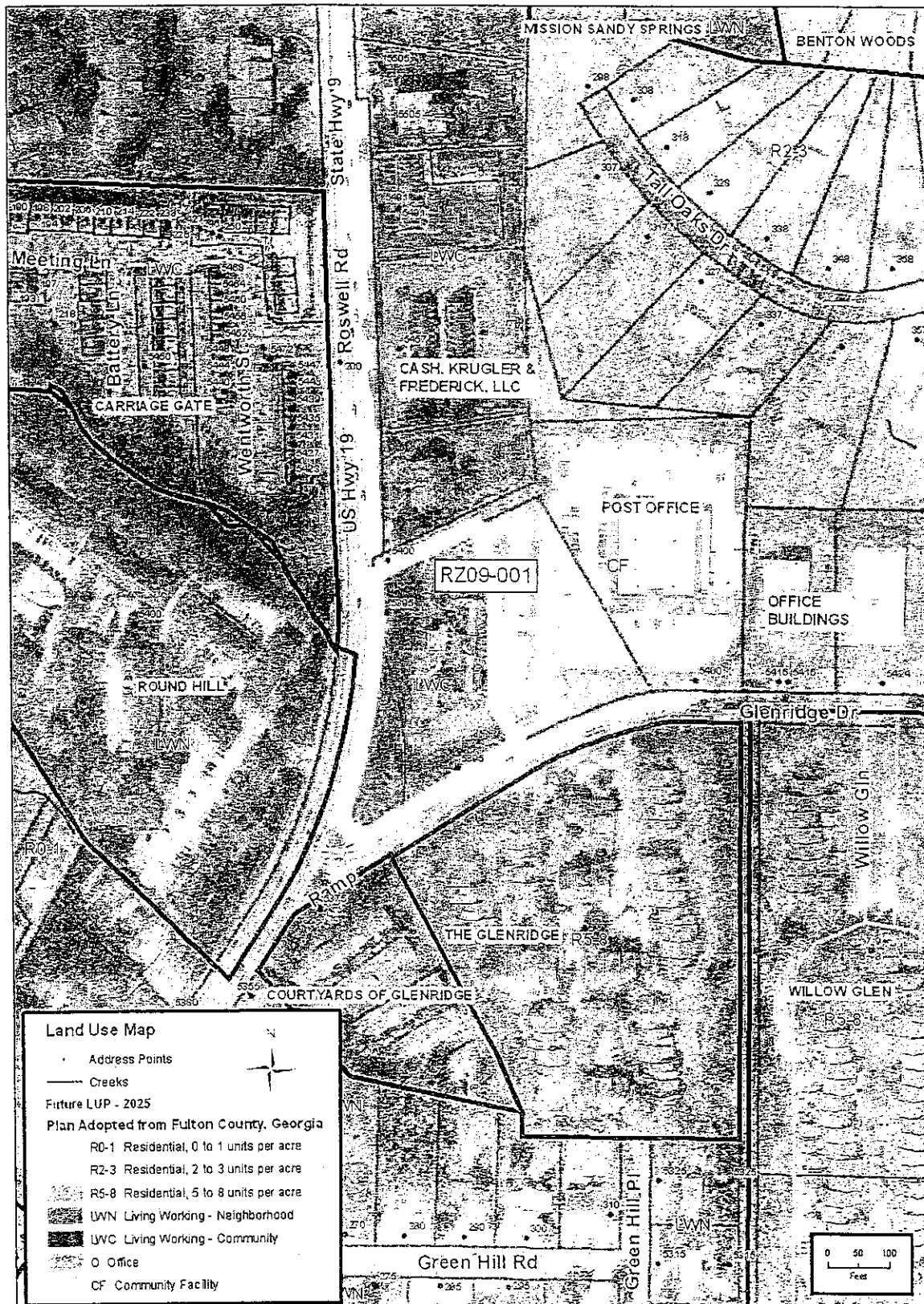
Zoning Map

5395 Roswell Road



Future Land Use Map

5395 Roswell Road

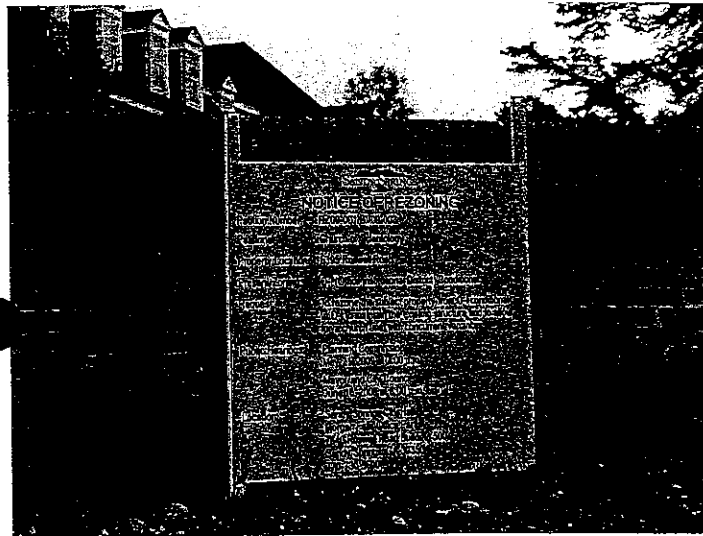




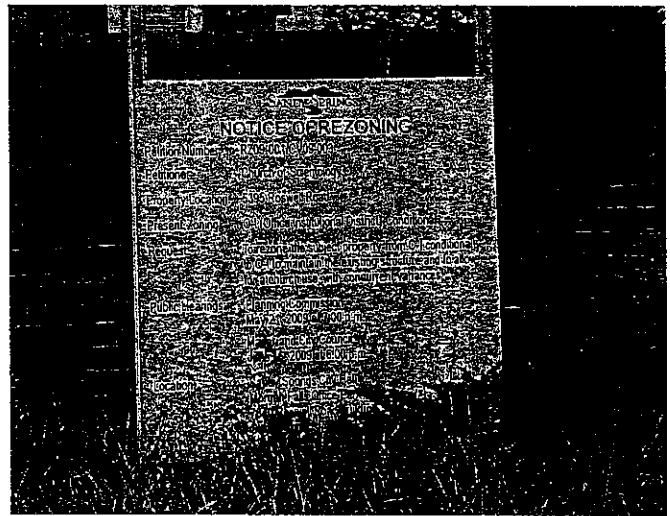
5395 Roswell Road (subject property)



5395 Roswell Road (subject property)



Notice of Rezoning Signs - Glenridge Drive



Notice of Rezoning Signs - Roswell Road



5447 Roswell Road (south of subject property)



Carriage Gate Townhomes
(southwest of subject property)



Round Hill Condominiums (west of subject property)



The Glenridge (north of subject property)



5400 Glenridge Drive - Post Office (east of subject property)

R 000315

SITE PLAN ANALYSIS

The proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot underground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building to allow for a church. The total floor area is proposed to be expended to 43,916 square feet by enclosing the 11,193 square foot parking deck. The proposed basement will contain the sanctuary, additional office space, and classrooms. The proposal will reduce the existing parking from 111 parking spaces to 81 parking spaces. The surface parking lot has fifty (52) parking space on the parcel and thirty (31) on an easement from the Post Office. The surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and an access point at the Post Office's driveway from Glenridge Drive.

PARKING AND TRAFFIC IMPACT ANALYSIS

Article 18.2.1 indicates parking requirements are to be calculated based upon the proportion that each use contributes to the total. For example, a building with multiple uses would be required to provide parking based upon the total parking requirement associated with each use. On the other hand, parking requirements for uses with large public assembly areas relative to the remainder of the building (i.e. meeting halls or libraries) are based upon the largest public assembly area. Normally, staff would analyze the parking needs for the Church of Scientology building relative to the size of the sanctuary. However, Section 28.1 paragraph 3 states in approving any zoning district change and/or use permit, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare. Based on the information provided by the applicant the proposed development will have a sanctuary which comprises of 3% of the total gross floor area, staff has instead analyzed the parking impact by the parking studies submitted by the applicant.

The applicant submitted two (2) parking studies. The first study examined the Dunwoody, GA location and the Nashville, TN location. The second study addressed a location in Buffalo, NY. These studies show the current square footage of the building and a breakdown of the number of people in the building and the number of parking spaces being utilized. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. The Dunwoody location is 11,500 square feet. The study did not indicate the number of provided parking spaces. The Buffalo location is 58,000 square feet and the site does not currently have an exclusive parking area.

The staff determined that the information provide in the parking studies did not adequately address the building at full capacity. The Dunwoody and Buffalo sites did not indicate the parking requirement for those cities. The studies did not show the amount of on-street parking and other modes of transportation provided in their respective locations. The Sandy Springs location does not provide any on-street parking. The site is not in close proximity to a MARTA rail station. The location is accessible by MARTA bus route number 5 Piedmont Road /Sandy Springs. The bus run passed the site every fifteen (15) minutes. Table 1. below compares the three sites and staff's recommendations. Table 2. Analyses the percentage of largest assembly area to the total square footage of the building.

Site	Building Square Footage	Provided Parking	Transit	On-Street Parking
Proposed Sandy Springs	43,916	81	Bus	None
Nashville, TN	38,000	114	Bus	Not Provided
Dunwoody, GA	11,500	Not Provided	Bus	None
Buffalo, NY	58,000	Not Provided	Bus/ Rail	Not Provided
Staff's Recommendation	32,053	111	Bus	None

Table 2						
		Existing Building Square Feet	Sanctuary Square Feet	Sanctuary Ratio	Parking Provided	Parking Ratio per 1,000 Square Feet
The Church Scientology Sites	Proposed Sandy Springs	43,916	1,400	3%	81	1.87
	Nashville, TN	38,000	1,782	4%	114	3.0
	Dunwoody, GA	11,500	300	2%	Not Provided	-
	Buffalo, NY	58,000	Not provided	-	Not Provided	-
	Staff's Recommendation	32,053	1,400	4%	111	3.46
Other Sandy Springs Places of Worship	Lutheran Church of the Apostles	28,322	8,770	31%	129	4.5
	Dunwoody Community Church	40,380	4,250	11%	174	4.3
	Temple Sinai	64,800	3,695	6%	210	3.2
	The Matthew Leighton Imerman Chabad Center	23,238	3,500	15%	120	5.16

The applicant has indicated that the sanctuary does not generate the largest number of people coming to the site. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,916 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,916 square feet would require one hundred and thirty 130 spaces. Eighty-one (81) spaces would be provided. There would be a deficit of forty-seven (47) parking space under the proposed use. The parking ratio for the proposed site (Table 2. above) is 1.87 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio and closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

Based on the information provided by the applicant, the proposed request of 43,916 square feet would not meet the level of parking necessary to support the proposed use at full capacity. Therefore, staff concludes that there would be an inadequate amount of parking for the proposed 43,916 square feet. The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred and eleven (111) spaces or a ratio of 3.46 spaces per 1,000 square feet. As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred and eleven (111) spaces.

LANDSCAPE PLAN ANALYSIS

The only land disturbance activity will be the installations of the new streetscape along the property's street frontage. There will be minor maintenance work to the building's exterior. The cost of the building renovation does exceed the for (40) percent of the property's most recent tax appraisal. Therefore, the applicant is required to install streetscape per the overlay district requirements. The streetscape requirement will be addressed at the time of the building permit.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

VARIANCE CONSIDERATIONS

The applicant is requesting three (3) concurrent variance as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).

The applicant has indicated that this variance is necessary to allow the existing parking to remain in current state to avoid reworking the parking lot.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as parking currently exists in the front setback. The applicant is proposing to maintain the 15 parking spaces in the front yard setback along Glenridge Drive, which will avoid reworking the existing parking lot. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

2. To allow the existing building to encroach within the twenty (20) foot side setbacks (Section 8.1.3.C, *Development Standards*)

The applicant has indicated that this variance is necessary to allow the existing building to remain in its current location, which is located five (5) feet from the eastern boundary with the United States Postal Service property.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and

that the reduction of the side setback will not have an adverse impact on neighboring or nearby properties. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the location of the existing building create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the reduction of the side setback will cause no detriment to the public as the building currently exists in the side setback. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

3. To allow the existing sign to encroach into the right-of-way (Section 22.C, Sign Location).

The applicant has indicated that this variance is necessary to allow the church the use of the existing sign structure located on the corner of Roswell Road (SR9) and Glenridge.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The applicant has provided an updated survey showing the existing sign location to be in compliance with the sign ordinance and that the existing sign will not have an adverse impact on neighboring or nearby properties. Currently the sign does not create a site distance problem. The applicant is aware that the existing sign may have to be removed for future road work. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that there are no extraordinary and exceptional conditions pertaining to the property which would create a hardship for the owner of the property. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this concurrent variance request.

DEPARTMENT COMMENTS

staff held a Focus Meeting on April 4, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Assistant Director of Building and Permitting	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no engineering requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no landscape requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ Right-of-way dedication: 55' from centerline of Roswell Road 45' from centerline of Glenridge Drive ▪ Right -of-way reservation: 55' from centerline of Glenridge Drive
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department (*see attached*).

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 24, 2009 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 23, 2009 at the Sandy Springs City Hall

Public Comments

- No overnight stays - *agreed to by applicant*
- No residential use of the property- *agreed to by applicant*
- No Narconon- *agreed to by applicant*
- Installation of sidewalk on Roswell Road and Glenridge Drive- *addressed at time of building permit*
- Parking now and in the future - *inadequate as proposed by the applicant and based on supporting*

documentations

- A cap on capacity- based on fire code
- Traffic - see parking and traffic impact
- How much larger will the church grow -the applicant addresses the total proposed use
- Traffic signal timing on Glenridge Drive- will be reviewed by public works
- The City is not able to collect taxes on a church- true
- Estimate time of construction n/a
- Has the money been raised for the project n/a
- Hours of operation - 8:00 am to 11:00 pm per the applicant
- 211 petitions of opposition have been submitted. All petitions are on file.

Notice Requirements

The petition was advertised in the Daily Report on May 1, 2009 and May 22, 2009. The applicant posted a sign issued by the Department of Community Development along the frontage of Roswell Road and Glenridge Drive on April 10, 2009.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 16, 2009. The Public Participation Report must be submitted on or before June 9, 2008.

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

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- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of office developments to the south, apartments and condominiums to the north, condominiums to the west and the Post Office to the east. The proposal allows for a proper transition between these areas.

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- B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property because this institutional use is consistent with other office and institutional uses in the vicinity.

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- C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property may have a reasonable economic use as currently zoned because this institutional use is consistent with other office and institutional uses in the area.

D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.

Finding: The staff is of the opinion that the proposal as presented does not provide sufficient parking for the use. Specifically, the sanctuary is not proposed to be the largest portion of the building. This lack of parking could cause an excessive or burdensome use of the existing infrastructure.

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

Finding: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Live-Work Community (LWC). The applicant is proposing to allow for a church in the existing building with an expansion. The proposed density for the development is 24,671.91 square feet per acre. The LWC land use designation recommends a density of up to 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The proposal lends itself to the overall intent of the LWC designated areas that are intended for to serve a group of adjacent neighborhoods and compatible with low and medium density residential neighborhoods.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Finding: The applicant has indicated that the sanctuary does not generate the largest number of people coming to the proposed church. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,916 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,916 square feet would require one hundred and thirty 130 spaces. Eighty-one (81) spaces would be provided. There would be a deficit of forty-seven (47) parking space under the proposed use. The parking ratio for the proposed site is 1.87 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio of parking that is closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

Based on the information provided by the applicant, the proposed request of 43,916 square feet would not meet the level of parking necessary to support the proposed use at full capacity. Therefore, staff concludes that there would be an inadequate amount of parking for the proposed 43,916 square feet. The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred and eleven (111) spaces. As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred and eleven (111) spaces.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

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CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed use and density, when applied with either the recommended conditions or the alternate conditions, are consistent with the policies of the Comprehensive Plan. Therefore, the staff recommends APPROVAL CONDITIONAL of the request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) conditional and the associated concurrent variances. The staff recommends either the recommended conditions or the alternate conditions for the approval of the rezoning.

R 000323

STAFF RECOMMENDED CONDITIONS

The staff recommends APPROVAL CONDITIONAL of the rezoning from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District). Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and/or Church and associated accessory uses in the existing structure at a density of 18,007.30 square feet per acre or 32,053 square feet, whichever is less.
 - b. Limit hours of operation to: 8:00 a.m. to 11:00 p.m.
 - c. No overnight stays.
 - d. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated May 5, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. Sidewalks will be required at time of building permit, subject to the approval of the Public Works Department.
 - b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - d. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- e. To allow parking within the required minimum front yard setback (CV09-003).
- f. To allow the existing sign to encroach into the right-of-way (CV09-003).
- g. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

ALTERNATE CONDITIONS

To the owner's agreement to restrict the use of the subject property as follows:

- a. The largest assembly area within the building shall not exceed 1,300 square feet.
 - b. Except for a maximum of 4 special events per year, the total occupancy for the building shall be limited to a maximum of 283 persons based on a required parking ratio of one (1) space per every 3.5 persons within the building. Said 283 person occupancy shall be conditioned upon the continuation in full force and effect, in favor of the Property, of that certain Easement Agreement 1, dated May 25, 1988, recorded May 31, 1988 in Deed Book 11571, page 276 official deed records of Fulton County, Georgia by and among the United States Parcel Service and Glenridge Square, Ltd. Any special events which shall exceed the maximum 283 person occupancy, or the building's occupancy as adjusted below, shall be permitted through the City of Sandy Springs Special Event Process to ensure adequate traffic management and parking is provided.
 - c. The occupancy for the building may be increased during the hours of 5:00 p.m. to 11:00 p.m., Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday by providing proof of a valid off-site parking lease for parking spaces located within 300 feet of the property. In addition, off-site parking may be provided between 300 feet and 5 miles of the property subject to approval of a transportation plan by the Director of the Department of Community Development. Occupancy for these hours may be increased based on a ratio of 2.5 persons of additional occupancy for every one (1) off-site parking space provided. Proof of valid off-site parking lease(s) shall be provided to the Director of the Department of Community Development prior to exceeding the maximum occupancy and by January 31st of each year thereafter. To be considered valid, the off-site parking lease shall have a minimum thirty (30) day cancellation notice and require that notice of cancellation be provided to the Director of the Department of Community Development. Failure to maintain a current valid lease shall suspend any right to exceed the maximum 283 person occupancy until a new off-site parking lease is provided to the Director of the Department of Community Development meeting the conditions stated herein.
 - d. On or before January 31st of each year, or within 30 days of receiving a request from the Director of the Department of Community Development, the Church shall provide to the Director of the Department of Community Development: (1) a report, signed under oath by an authorized Church official, detailing peak occupancy of the building by month for the preceding year, or such other period as designated by the Director of Community Development, and (2) an affirmation that the Parking Easement remains in full force and effect.
 - e. No overnight stays.
 - f. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
- b. To the site plan received by the Department of Community Development dated May 5, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein,

compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

- c. The Church of Scientology shall provide a letter, approved by the governing authority of the Church of Scientology and signed by an authorized officer of the Church, acknowledging that because of the unique build out of the Church at 5395 Roswell Road, and the fact that the number of parking spaces dedicated to the building's use is limited to 81 spaces: 1) the value and/or the ability to resell the building may be substantially affected by this rezoning; and 2) that use of the building for general office, another church, or other purposes inconsistent with terms and requirements of this zoning action, shall require rezoning with such rezoning to include but not be limited to the demonstration of compliance with parking requirements for the proposed use.
- d. Within 30 days of approval of the rezoning and variance requests to allow the Church's use at 43,916 square feet with 81 parking spaces, the Church of Scientology agrees to file a protective covenant in favor of the City of Sandy Springs, Georgia, which shall be placed on the deed records of Fulton County, Georgia, that upon sale of the property, any future purchaser acknowledges:
 - i. That the building has been designed, constructed and previously used as a general office building and the terms of the proposed use by the Church of Scientology, specifically the reduced parking ratios, cause the property to be out of conformity with the required parking ratios for general office under the City of Sandy Springs Zoning Ordinance;
 - ii. That the future purchaser does not have any vested right to utilize the parking ratio approved for the Church of Scientology by the City of Sandy Springs' zoning action, and upon change of use, shall, in addition to all other City of Sandy Springs, Georgia zoning requirements then existing, be required to demonstrate compliance with the then existing parking requirements for purchaser's proposed use or obtain a variance, rezoning, or other approval of its proposed parking ratio as required by the City of Sandy Springs, Georgia; and
 - iii. Failure to demonstrate compliance with the then existing parking requirements may require demolition and reconstruction of all or a portion of the lower enclosed area of the building and construction of the area for use as parking prior to the occupancy and use of the property.
3. To the owner's agreement to provide the following site development standards:
 - a. Renovation and build-out of the building shall be subject to plan review by the Department of Community Development to ensure, within the reasonable discretion of the Director of Community Development, that the build out shall minimize structural modifications of the building which would prevent or significantly increase the cost of restoration of the basement for future parking use.
 - b. Sidewalks will be required at time of building permit, subject to the approval of the Public Works Department.
 - c. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - d. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - e. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured

from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- f. To allow parking within the required minimum front yard setback (CV09-003).
- g. To allow the existing sign to encroach into the right-of-way (CV09-003).
- h. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

Attachments

Letter of Intent dated received May 5, 2009
Site Plan dated received May 5, 2009
Letter from Dillard & Galloway dated May 20, 2009
Letter of responds from Nancy Leathers Dated May 26, 2009
Letter from Dillard & Galloway dated July 8, 2009
Letter from Dillard & Galloway dated July 23, 2009
Parking Evaluation dated received June 26, 2009
Parking Evaluation dated received July 15, 2009
Course attendance 2009
Square footage breakdown of proposed building
Comment Letter from the Department of Transportation dated received April 10, 2009
Comment Letter from the City of Atlanta Department of Watershed Management dated April 10, 2009
Comment Letter from Fulton County Emergency Services Department dated received April 8, 2009
Comment Letter from Fulton County Department of Health and Wellness dated received May 6, 2009
Letters of opposition
211 petition of opposition (all petitions are on file)
Photos of Existing Church of Scientology site

MAYOR AND CITY COUNCIL

RZ09-001/CV09-003

5395 Roswell Road (SR9)

Applicant: Church of Scientology


R 000382



SANDY SPRINGS

GEORGIA

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director of Community Development 

Date: October 6, 2009 for submission onto the October 20, 2009 City Council meeting

Agenda Item: RZ09-001 5395 Roswell Road, Request to rezone from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District)

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL, of the request to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow for a church in the existing building. The proposed renovations will increase the building square footage from 32,053 square feet to 43,916 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 24,671.91 square feet per acre.

Background:

The subject site is located on the east side of Roswell Road (SR9). The property is zoned O-I (Office and Institutional District) conditional under Fulton County zoning case Z83-0119 and is currently developed as a brick office building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

Discussion:

The proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot underground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building to allow for a church. The total floor area is proposed to be expanded to 43,916 square feet by enclosing the 11,193 square foot parking deck. The proposed basement will contain the sanctuary, additional office space, and classrooms. The applicant also is proposing to reconfigure the existing parking lot to maintain the one hundred eleven (111) parking spaces. The surface parking lot has eighty (80) parking space on the parcel and thirty (31) on an easement from the Post Office. The surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and an access point at the Post Office's driveway from Glenridge Drive.

Article 18.2.1 indicates parking requirements are to be calculated based upon the proportion that each use contributes to the total. For example, a building with multiple uses would be required to provide parking based upon the total parking requirement associated with each use. On the other hand, parking requirements for uses with large public assembly areas relative to the remainder of the building (i.e. meeting halls or libraries) are based upon the largest public assembly area. Normally, staff would analyze the parking needs for the Church of Scientology building relative to the size of the sanctuary. However, Section 28.1 paragraph 3 states in approving any zoning district change and/or use permit, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare. Based on the information provided by the applicant the proposed development will have a sanctuary which comprises 3% of the total gross floor area, staff has instead analyzed the parking impact by the parking studies submitted by the applicant.

R 000383

The applicant has indicated that the sanctuary does not generate the largest number of people coming to the site. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,916 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,916 square feet would require one hundred thirty 130 spaces. One hundred eleven (111) spaces would be provided. There would be a deficit of nineteen (19) parking spaces under the proposed use. The parking ratio for the proposed site is 2.53 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio and closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred eleven (111) spaces or a ratio of 3.46 spaces per 1,000 square feet. As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred eleven (111) spaces (see Staff Recommended Conditions on page 18).

The applicant has submitted a revised plan for the 43,916 square feet building showing an increase in parking from eighty-one (81) spaces to one hundred eleven (111) spaces or a ratio of 2.53 spaces per 1,000 square feet. The applicant has also proposed to reduce the occupancy from 283 to 170 persons (see Alternate Conditions on page 20). The occupancy of two hundred eighty-three (283) people was based on an assumption of 3.5 people per vehicle/space (eighty-one (81) spaces provided). The applicant has revised this and now assumes 1.5 people per vehicle/ space and with the number of parking spaces provided revised to one hundred eleven (111) parking spaces, the occupancy limited proposed is one hundred seventy (170) people. According to the National Household Travel Survey conducted by the U.S. Department of Transportation Federal Highway Administration (<http://.nhts.ornl.gov/publications.shtml>) vehicle occupancy per vehicle mile by weekday status is 1.5 people per vehicle and weekend status is 2.0 people per vehicle. Based on the information provided by the applicant, it is staff's opinion that the proposed request of 43,916 square feet would meet the level of parking necessary to support the proposed use at an occupancy of one hundred seventy (170) persons. Therefore, staff concludes that there would be an adequate amount of parking for the proposed 43,916 square feet with the occupancy limited to one hundred seventy (170).

Therefore, staff concludes that there would be an inadequate amount of parking for the proposed 43,246 square feet. The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred and eleven (111) spaces. As such the staff recommends restricting the use of the subject property to 32,053 square feet with the existing one hundred and eleven (111) spaces. It is the opinion of the staff that the proposed use and density, when applied with either the recommended conditions or the alternate conditions, are consistent with the policies of the Comprehensive Plan. It is the opinion of the staff that the proposed use and density, when applied with either the recommended conditions or the alternate conditions, are consistent with the policies of the Comprehensive Plan.

Concurrent Review:

The staff held a Focus Meeting on April 4, 2009 at which the following city departments provided comments:

- Building Division
- Development Division
- Fire Department
- Transportation Division

In addition, the following external departments were contacted for comment:

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development
- Fulton County Department of Public Works
- Fulton County Environmental Health
- Sandy Springs Council of Neighborhoods
- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
(*comments received*)
- City of Atlanta Department of Watershed Management
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management
(*comments received*)



Rezoning Petition No. RZ09-001/CV09-003

HEARING & MEETING DATES

Community Zoning Information Meeting	Design Review Board Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
March 24, 2009	March 24, 2009	April 23, 2009	May 21, 2009 July 16, 2009 September 17, 2009	June 16, 2009 August 18, 2009 October 20, 2009

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Church of Scientology	Church of Scientology	Woody Galloway

PROPERTY INFORMATION

Address, Land Lot, and District	5395 Roswell Road (SR9) Land Lot 92, District 17
Council District	5
Frontage and Area	325 feet of frontage along the north side of Glenridge Road and 420 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.78 acres (77,536.80 square feet).
Existing Zoning and Use	O-I (Office and Institutional District) conditional under Fulton County zoning cases Z83-0119, currently developed with a brick building totaling 32,053 square feet 11,193 square foot parking deck.
Overlay District	Urban District
2027 Comprehensive Future Land Use Map Designation	Live Work Community (LWC)
Proposed Zoning	O-I (Office and Institutional District)

INTENT

FROM O-I(OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I(OFFICE AND INSTITUTIONAL DISTRICT)

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow for a church in the existing building. The proposed renovations will increase the building square footage from 32,053 square feet to 43,916 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 24,671.91 square feet per acre.

Additionally, the applicant is requesting five (5) concurrent variances as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).
2. To reduce the twenty (20) foot side setback to five (5) foot to allow the existing building to remain. (Section 8.1.3.C, *Development Standards*)
3. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).

4. To allow for a parking lot without the required parking islands (Section 4.23.2, *Parking Lot Landscaping*).
5. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (Section F.1, *Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking*)

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ09-001 - APPROVAL CONDITIONAL
 CV09-003 #1 - APPROVAL CONDITIONAL
 CV09-003 #2 - APPROVAL CONDITIONAL
 CV09-003 #3 - WITHDRAWL
 CV09-003 #4 - APPROVAL CONDITIONAL
 CV09-003 #5 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the May 21, 2009 Planning Commission hearing. The Commission recommended for a 60 DAY DEFERRAL (4-0, Thatcher, Pond, Rupnow, and Rubenstein for; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- June 16, 2009

The petition was heard at the June 16, 2009 Mayor and City Council hearing. The Council DEFERRED the petition to the July 16, 2009 Planning Commission hearing and the August 18, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the July 16, 2009 Planning Commission hearing. The Commission recommended APPROVAL subject to staff's conditions (3-2, Thatcher, Boyken, Rubenstein for; Maziar and Rupnow against; Pond absent; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- June 16, 2009

The petition was heard at the August 18, 2009 Mayor and City Council hearing. The Council DEFERRED the petition to the September 17, 2009 Planning Commission hearing and the October 20, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

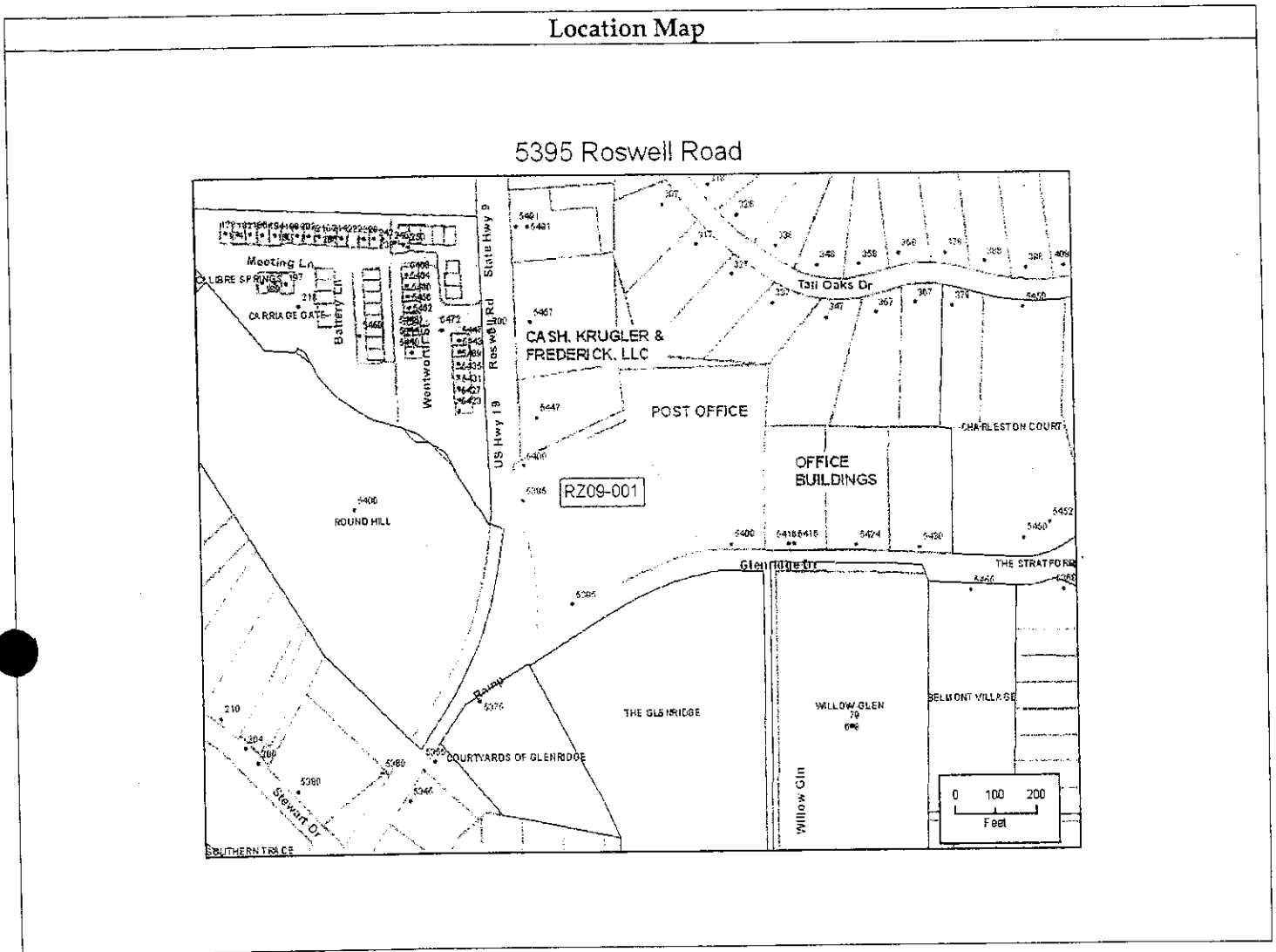
1. The alternate conditions presented at the Council meeting were not developed until shortly before the Council meeting. In an effort to address the concerns of the neighborhood about the parking for the facility. The Council would like the alternate conditions to be reviewed by the Planning Commission.
 2. The Applicant is in agreement with the alternate conditions.
 3. The alternate conditions can be found on pages 20,21 and 22 of the staff report.
-

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the September 17, 2009 Planning Commission hearing. The Commission recommended DENIAL of the application (3-2, Thatcher, Maziar, Pond for; and Rubenstein and Boyken against; Rupnow absent; Duncan not voting.)

R 000387

The Planning Commission had concerns with the 3.5 persons per vehicle parking ratio (283 persons per 81 parking spaces). They did not believe that this would provide adequate parking for the site.



R 000388

BACKGROUND

The subject site is located on the east side of Roswell Road (SR9). The property is zoned O-I (Office and Institutional District) conditional under Fulton County zoning case Z83-0119 and is currently developed as a brick office building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

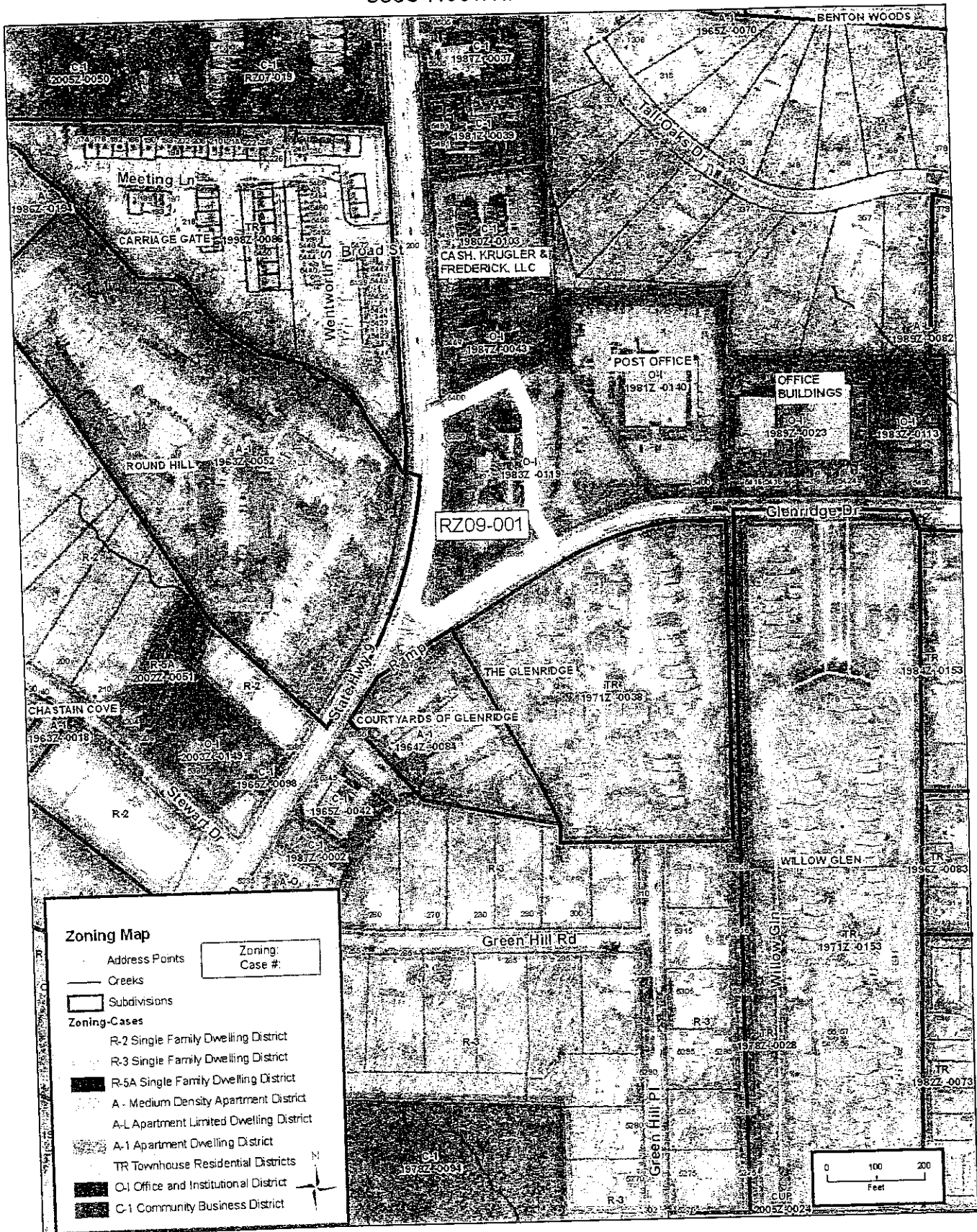
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ09-001 CV09-003	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	O-I	Church	1.78	43,916	24,671.91 Square feet per acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	O-I conditional Z87-0043	Cash, Krugler & Frederick, LLC 5447 Roswell Road	0.94	9,000 Sqft	9,574.46 Square feet per acre
North	C-1 conditional Z80-0103	5457 Roswell Road	1.65	20,736 Sqft	12,567.27 Square feet per acre
East	O-I conditional Z81-0140	Post Office 5400 Glenridge Drive	2.93	18,125 Sqft ±	6,186 Square feet per acre
South	TR Conditional Z71-0038	The Glenridge 5201 Glenridge Drive	6.52	46 Units	7 Units per acre
South	A-1 Conditional Z64-0084	Courtyard of Glenridge 5375 Roswell Road	2.10	25 Units	11.9 Units per acre
West	A-1 Conditional Z63-0052	Round Hill 5400 Roswell Road	9.93	130 Units	13.1 Units per acre
West	TR Conditional Z98-0086	Carriage Gate Townhomes	6.84	62 Units	9 Units per acre

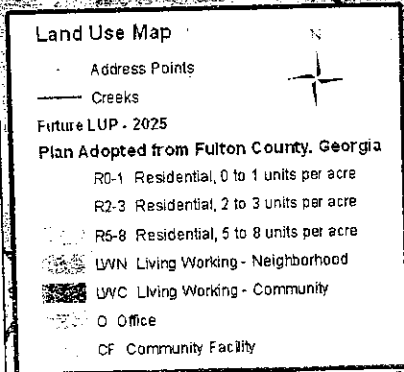
R 000389

Zoning Map

5395 Roswell Road



5395 Roswell Road



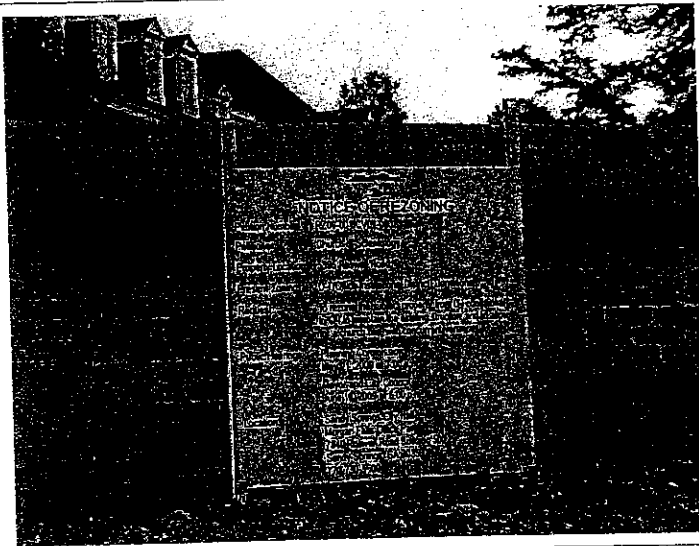
Page 6 of 23



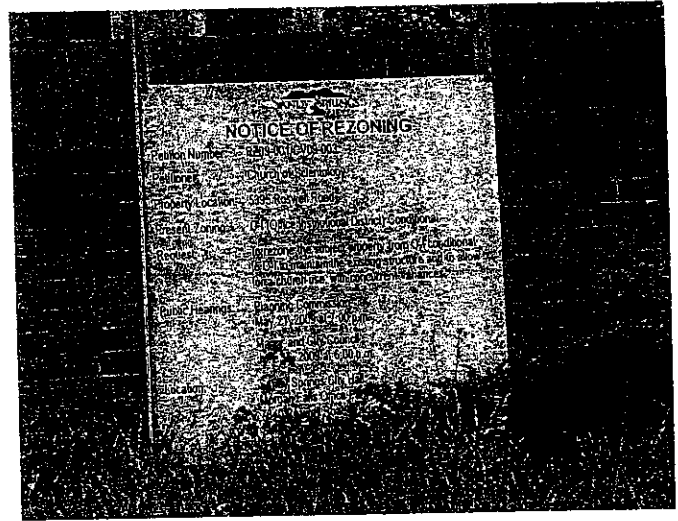
5395 Roswell Road (subject property)



5395 Roswell Road (subject property)



Notice of Rezoning Signs - Glenridge Drive



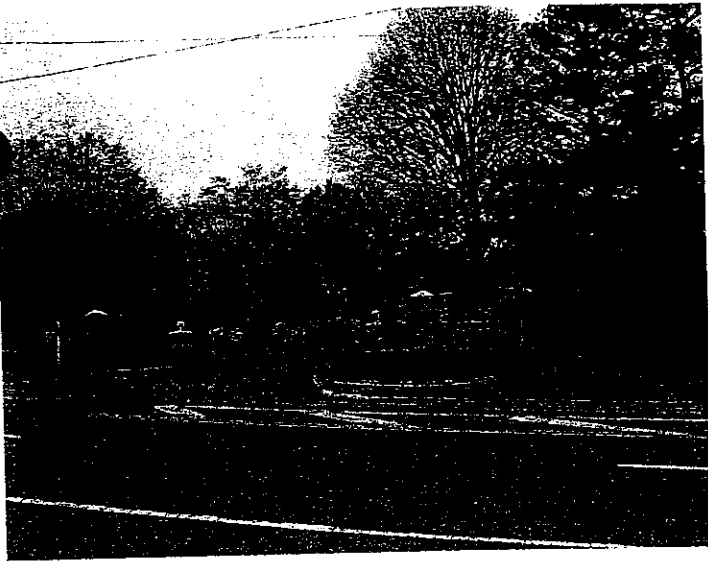
Notice of Rezoning Signs - Roswell Road



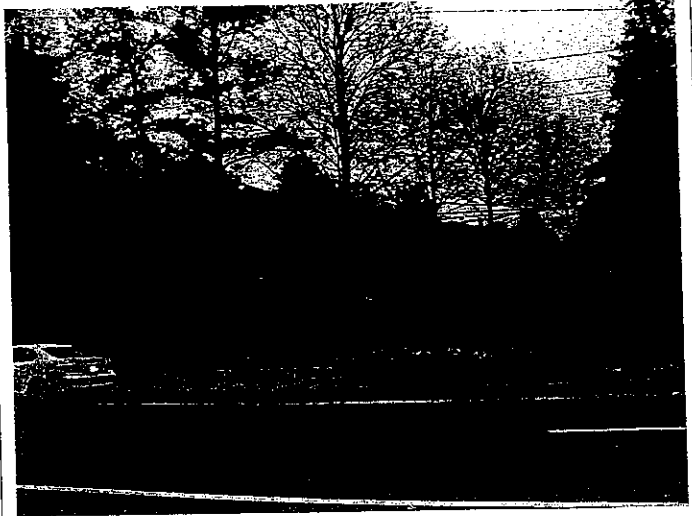
5447 Roswell Road (south of subject property)



Carriage Gate Townhomes
(southwest of subject property)



Round Hill Condominiums (west of subject property)



The Glenridge (north of subject property)



5400 Glenridge Drive - Post Office (east of subject property)

R 000393

SITE PLAN ANALYSIS

The proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot underground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building to add for a church. The total floor area is proposed to be expended to 43,916 square feet by enclosing the 11,193 square foot parking deck. The proposed basement will contain the sanctuary, additional office space, and classrooms. The parking will be reconfigured to provide one-hundred eleven spaces (111) in the surface parking lot. The surface parking lot has eighty (80) parking space on the parcel and thirty (31) on an easement from the Post Office. The surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and an access point at the Post Office's driveway from Glenridge Drive.

PARKING AND TRAFFIC IMPACT ANALYSIS

Article 18.2.1 indicates parking requirements are to be calculated based upon the proportion that each use contributes to the total. For example, a building with multiple uses would be required to provide parking based upon the total parking requirement associated with each use. On the other hand, parking requirements for uses with large public assembly areas relative to the remainder of the building (i.e. meeting halls or libraries) are based upon the largest public assembly area. Normally, staff would analyze the parking needs for the Church of Scientology building relative to the size of the sanctuary. However, Section 28.1 paragraph 3 states in approving any zoning district change and/or use permit, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare. Based on the information provided by the applicant the proposed development will have a sanctuary which comprises of 3% of the total gross floor area, staff has instead analyzed the parking impact by the parking studies submitted by the applicant.

The applicant submitted two (2) parking studies. The first study examined the Dunwoody, GA location and the Nashville, TN location. The second study addressed a location in Buffalo, NY. These studies show the current square footage of the building and a breakdown of the number of people in the building and the number of parking spaces being utilized. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. The Dunwoody location is 11,500 square feet. The study did not indicate the number of provided parking spaces. The Buffalo location is 58,000 square feet and the site does not currently have an exclusive parking area.

The staff determined that the information provide in the parking studies did not adequately address the building at full capacity. The Dunwoody and Buffalo sites did not indicate the parking requirement for those cities. The studies did not show the amount of on-street parking and other modes of transportation provided in their respective locations. The Sandy Springs location does not provide any on-street parking. The site is not in close proximity to a MARTA rail station. The location is accessible by MARTA bus route number 5 Piedmont Road /Sandy Springs. The bus run passed the site every fifteen (15) minutes. Table 1. below compares the three sites and staff's recommendations. Table 2. Analyses the percentage of largest assembly area to the total square footage of the building.

Table 1				
Site	Building Square Footage	Provided Parking	Transit	On-Street Parking
Proposed Sandy Springs	43,916	111	Bus	None
Nashville, TN	38,000	114	Bus	Not Provided
Dunwoody, GA	11,500	Not Provided	Bus	None
Buffalo, NY	58,000	Not Provided	Bus/ Rail	Not Provided
Staff's Recommendation	32,053	111	Bus	None

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting October 20, 2009

Table 2						
	Site	Building Square Footage	Sanctuary Square Footage	Sanctuary Percent of Building	Parking Provided	Parking provided per 1,000 square feet
The Church Scientology Sites	Proposed Sandy Springs	43,916	1,400	3%	111	2.53
	Nashville, TN	38,000	1,782	4%	114	3.0
	Dunwoody, GA	11,500	300	2%	Not Provided	-
	Buffalo, NY	58,000	Not provided	-	Not Provided	-
	Staff's Recommendation	32,053	1,400	4%	111	3.46
Other Sandy Springs Places of Worship	Lutheran Church of the Apostles	28,322	8,770	31%	129	4.5
	Dunwoody Community Church	40,380	4,250	11%	174	4.3
	Temple Sinai	64,800	3,695	6%	210	3.2
	The Matthew Leighton Imerman Chabad Center	23,238	3,500	15%	120	5.16

The applicant has indicated that the sanctuary does not generate the largest number of people coming to the site. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,916 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,916 square feet would require one hundred thirty 130 spaces. One hundred eleven (111) spaces would be provided. There would be a deficit of nineteen (19) parking spaces under the proposed use. The parking ratio for the proposed site (Table 2. above) is 2.53 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio and closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred eleven (111) spaces or a ratio of 3.46 spaces per 1,000 square feet. As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred eleven (111) spaces (see Staff Recommended Conditions on page 18).

The applicant has submitted a revised plan for the 43,916 square feet building showing an increase in parking from eighty-one (81) spaces to one hundred eleven (111) spaces or a ratio of 2.53 spaces per 1,000 square feet. The applicant has also proposed to reduce the occupancy from 283 to 170 persons (see Alternate Conditions on page 20). The occupancy of two hundred eighty-three (283) people was based on an assumption of 3.5 people per vehicle/space (eighty-one (81) spaces provided). The applicant has revised this and now assumes 1.5 people per vehicle/ space and with the number of parking spaces provided revised to one hundred eleven (111) parking spaces,

the occupancy limited proposed is one hundred seventy (170) people. According to the National Household Travel Survey conducted by the U.S. Department of Transportation Federal Highway Administration (<http://nhts.ornl.gov/publications.shtml>) vehicle occupancy per vehicle mile by weekday status is 1.5 people per vehicle and weekend status is 2.0 people per vehicle. Based on the information provided by the applicant, it is staff's opinion that the proposed request of 43,916 square feet would meet the level of parking necessary to support the proposed use at an occupancy of one hundred seventy (170) persons. Therefore, staff concludes that there would be an adequate amount of parking for the proposed 43,916 square feet with the occupancy limited to one hundred seventy (170).

LANDSCAPE PLAN ANALYSIS

The only land disturbance activity will be the installations of the new streetscape along the property's street frontage. There will be minor maintenance work to the building's exterior. The cost of the building renovation does exceed the forty (40) percent of the property's most recent tax appraisal. Therefore, the applicant is required to install streetscape per the overlay district requirements. The streetscape requirement will be addressed at the time of the building permit.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

VARIANCE CONSIDERATIONS

The applicant is requesting three (3) concurrent variance as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).

The applicant has indicated that this variance is necessary to allow the existing parking to remain in current state to avoid reworking the parking lot.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as parking currently exists in the front setback. The applicant is proposing to maintain the 15 parking spaces in the front yard setback along Glenridge Drive, which will avoid reworking the existing parking lot. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

2. To allow the existing building to encroach within the twenty (20) foot side setbacks (Section 8.1.3.C, *Development Standards*)

The applicant has indicated that this variance is necessary to allow the existing building to remain in its current location, which is located five (5) feet from the eastern boundary with the United States Postal Service property.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and that the reduction of the side setback will not have an adverse impact on neighboring or nearby properties. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the location of the existing building create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the reduction of the side setback will cause no detriment to the public as the building currently exists in the side setback. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

3. To allow the existing sign to encroach into the right-of-way (Section 22.C, Sign Location).

The applicant has indicated that this variance is necessary to allow the church the use of the existing sign structure located on the corner of Roswell Road (SR9) and Glenridge.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The applicant has provided an updated survey showing the existing sign location to be in compliance with the sign ordinance and that the existing sign will not have an adverse impact on neighboring or nearby properties. Currently the sign does not create a site distance problem. The applicant is aware that the existing sign may have to be removed for future road work. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that there are no extraordinary and exceptional conditions pertaining to the property which would create a hardship for the owner of the property. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this concurrent variance request.

4. To allow for a parking lot without the required parking islands (Section 4.23.2, Parking Lot Landscaping).

The applicant has indicated that this variance is necessary to reconfigure the existing non conforming parking lot to add additional parking spaces.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as the parking lot currently exists without landscape island. The applicant is proposing to reconfigure the existing parking lot to add more parking spaces. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the relief of parking lot landscape islands will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

5. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (Section F.1, Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking)

The applicant has indicated that this variance is necessary to reconfigure the existing non conforming parking lot to add additional parking spaces.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as the parking lot currently exists without landscape island and shade trees. The site currently has trees planted around the perimeter of the property. The applicant is proposing to reconfigure the existing parking lot to add more parking spaces. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the relief of parking lot landscape islands will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way and the site currently has trees planted around the perimeter of the property. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

R 000398

DEPARTMENT COMMENTS

The staff held a Focus Meeting on April 4, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Assistant Director of Building and Permitting	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no engineering requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no landscape requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ Right-of-way dedication: 55' from centerline of Roswell Road 45' from centerline of Glenridge Drive ▪ Right -of-way reservation: 55' from centerline of Glenridge Drive
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department (*see attached*).

PUBLIC INVOLVEMENTRequired Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 24, 2009 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 23, 2009 at the Sandy Springs City Hall

Public Comments

- No overnight stays - *agreed to by applicant*
- No residential use of the property- *agreed to by applicant*
- No Narconon- *agreed to by applicant*
- Installation of sidewalk on Roswell Road and Glenridge Drive- *addressed at time of building permit*
- Parking now and in the future - *inadequate as proposed by the applicant and based on supporting documentations*
- A cap on capacity- *based on fire code*

- Traffic - *see parking and traffic impact*
- How much larger will the church grow - *the applicant addresses the total proposed use*
- Traffic signal timing on Glenridge Drive- *will be reviewed by public works*
- The City is not able to collect taxes on a church- *true*
- Estimate time of construction *n/a*
- Has the money been raised for the project *n/a*
- Hours of operation - *8:00 am to 11:00 pm per the applicant*
- 240 petitions of opposition with 419 signatures have been submitted. All petitions are on file.

Notice Requirements

The petition was advertised in the Daily Report on May 1, 2009 and May 22, 2009. The applicant posted a sign issued by the Department of Community Development along the frontage of Roswell Road and Glenridge Drive on April 10, 2009.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 16, 2009. The Public Participation Report must be submitted on or before June 9, 2008.

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of office developments to the south, apartments and condominiums to the north, condominiums to the west and the Post Office to the east. The proposal allows for a proper transition between these areas.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property because this institutional use is consistent with other office and institutional uses in the vicinity.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property may have a reasonable economic use as currently zoned because this institutional use is consistent with other office and institutional uses in the area.

D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Finding: The staff is of the opinion that the proposal as presented does not provide sufficient parking for the use. Specifically, the sanctuary is not proposed to be the largest portion of the building. This lack of parking could cause an excessive or burdensome use of the existing infrastructure.

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

Finding: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Live-Work Community (LWC). The applicant is proposing to allow for a church in the existing building with an expansion. The proposed density for the development is 24,671.91 square feet per acre. The LWC land use designation recommends a density of up to 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The proposal lends itself to the overall intent of the LWC designated areas that are intended for to serve a group of adjacent neighborhoods and compatible with low and medium density residential neighborhoods.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Finding: The applicant has indicated that the sanctuary does not generate the largest number of people coming to the proposed church. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,916 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,916 square feet would require one hundred thirty 130 spaces. One hundred eleven (111) spaces would be provided. There would be a deficit of nineteen (19) parking spaces under the proposed use. The parking ratio for the proposed site is 2.53 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio of parking that is closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred eleven (111) spaces or a ratio of 3.46 spaces per 1,000 square feet. As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred eleven (111) spaces (see Staff Recommended Conditions on page 18).

The applicant has submitted a revised plan for the 43,916 square feet building showing an increase in parking from eighty-one (81) spaces to one hundred eleven (111) spaces or a ration of 2.53 spaces per 1000. The applicant has also proposed to reduce the occupancy from 283 to 170 persons (see Alternate Conditions on page 20). Based on the information provided by the applicant, it is staff's opinion that the proposed request of 43,916 square feet would meet the level of parking necessary to support the proposed use at an occupancy of one hundred seventy (170) persons. The proposal would provide a parking ratio of 1.5 persons per vehicle. According to the National Household Travel Survey conducted by the U.S. Department of Transportation Federal Highway Administration (<http://nhts.ornl.gov/publications.shtml>) vehicle occupancy per vehicle mile by weekday status is 1.5 people per vehicle and weekend status is 2.0 people per vehicle. Therefore, staff concludes that there would be an adequate amount of parking for the proposed 43,916 square feet with the occupancy limited to one hundred seventy (170).

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

R 000401

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed use and density, when applied with either the recommended conditions or the alternate conditions, are consistent with the policies of the Comprehensive Plan. Therefore, the staff recommends APPROVAL CONDITIONAL of the request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) conditional and the associated concurrent variances. The staff recommends either the recommended conditions or the alternate conditions for the approval of the rezoning.

R 000402

STAFF RECOMMENDED CONDITIONS

The staff recommends **APPROVAL CONDITIONAL** of the rezoning from O-I (Office and Institutional District) conditional to **O-I (Office and Institutional District)**. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and/or Church and associated accessory uses in the existing structure at a density of 18,007.30 square feet per acre or 32,053 square feet, whichever is less.
 - b. No overnight stays (11:00 PM to 6:00AM).
 - c. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated September 30, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. Streetscape including sidewalks will be required at time of building permit or land disturbance permit, whichever occurs first, subject to the approval of the Public Works Department.
 - b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - d. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive
 - e. To allow parking within the required minimum front yard setback (CV09-003).
 - f. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

- g. To allow for a parking lot without the required parking islands (CV09-003).
- h. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (CV09-003).

R 000404

ALTERNATE CONDITIONS

1) To the owner's agreement to restrict the use of the subject property as follows:

- a) Office and/or Church and associated accessory uses in the existing structure at a density of 24,671.91 square feet per acre or 43,916 square feet, whichever is less.
- b) The largest assembly area within the building shall not exceed 1,300 square feet.
- c) Except for a maximum of 4 special events per year, the total occupancy for the building shall be limited to a maximum of 170 persons based on a required parking ratio of one (1) space per every 1.5 persons within the building. Said 170 person occupancy shall be conditioned upon the continuation in full force and effect, in favor of the Property, of that certain Easement Agreement 1, dated May 25, 1988, recorded May 31, 1988 in Deed Book 11571, page 276 official deed records of Fulton County, Georgia by and among the United States Parcel Service and Glenridge Square, Ltd. Any special events which shall exceed the maximum 170 person occupancy, or the building's occupancy as adjusted below, shall be permitted through the City of Sandy Springs Special Event Process to ensure adequate traffic management and parking is provided.
- d) The occupancy for the building may be increased during the hours of 5:00 p.m. to 11:00 p.m., Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday by providing proof of a valid off-site parking lease for parking spaces located within 300 feet of the property. In addition, off-site parking may be provided between 300 feet and 5 miles of the property subject to approval of a transportation plan by the Director of the Department of Community Development. Occupancy for these hours may be increased based on a ratio of 1.5 persons of additional occupancy for every one (1) off-site parking space provided. Proof of valid off-site parking lease(s) shall be provided to the Director of the Department of Community Development prior to exceeding the maximum occupancy and by January 31st of each year thereafter. To be considered valid, the off-site parking lease shall have a minimum thirty (30) day cancellation notice and require that notice of cancellation be provided to the Director of the Department of Community Development. Failure to maintain a current valid lease shall suspend any right to exceed the maximum 170 person occupancy until a new off-site parking lease is provided to the Director of the Department of Community Development meeting the conditions stated herein.
- e) On or before January 31st of each year, or within 30 days of receiving a request from the Director of the Department of Community Development, the Church shall provide to the Director of the Department of Community Development: (1) a report, signed under oath by an authorized Church official, detailing peak occupancy of the building by month for the preceding year, or such other period as designated by the Director of Community Development, and (2) an affirmation that the Parking Easement remains in full force and effect.
- f) No overnight stays (11:00 PM to 6:00AM).
- g) To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.

2) To the owner's agreement to abide by the following:

- a) To the site plan received by the Department of Community Development dated September 30, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of

Occupancy.

- b) The Church of Scientology shall provide a letter, approved by the governing authority of the Church of Scientology and signed by an authorized officer of the Church, acknowledging that because of the unique build out of the Church at 5395 Roswell Road, and the fact that the number of parking spaces dedicated to the building's use is limited to 111 spaces: 1) the value and/or the ability to resell the building may be substantially affected by this rezoning; and 2) that use of the building for general office, another church, or other purposes inconsistent with terms and requirements of this zoning action, shall require rezoning with such rezoning to include but not be limited to the demonstration of compliance with parking requirements for the proposed use.
- c) Within 30 days of approval of the rezoning and variance requests to allow the Church's use at 43,916 square feet with 111 parking spaces, the Church of Scientology agrees to file a protective covenant in favor of the City of Sandy Springs, Georgia, which shall be placed on the deed records of Fulton County, Georgia, that upon sale of the property, any future purchaser acknowledges:
- i) That the building has been designed, constructed and previously used as a general office building and the terms of the proposed use by the Church of Scientology, specifically the reduced parking ratios, cause the property to be out of conformity with the required parking ratios for general office under the City of Sandy Springs Zoning Ordinance;
 - ii) That the future purchaser/lessee does not have any vested right to utilize the parking ratio approved for the Church of Scientology by the City of Sandy Springs' zoning action, and upon change of use, shall, in addition to all other City of Sandy Springs, Georgia zoning requirements then existing, be required to demonstrate compliance with the then existing parking requirements for purchaser's proposed use or obtain a variance, rezoning, or other approval of its proposed parking ratio as required by the City of Sandy Springs, Georgia; and
 - iii) Failure to demonstrate compliance with the then existing parking requirements may require demolition and reconstruction of all or a portion of the lower enclosed area of the building and construction of the area for use as parking prior to the occupancy and use of the property.
- 3) To the owner's agreement to provide the following site development standards:
- a) Renovation and build-out of the building shall be subject to plan review by the Department of Community Development to ensure, within the reasonable discretion of the Director of Community Development, that the build out shall minimize structural modifications of the building which would prevent or significantly increase the cost of restoration of the basement for future parking use.
 - b) Streetscape including sidewalks will be required at time of building permit or land disturbance permit, whichever occurs first, subject to the approval of the Public Works Department.
 - c) The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - d) The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - e) Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for

compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- f) To allow parking within the required minimum front yard setback (CV09-003).
- g) To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).
- h) To allow for a parking lot without the required parking islands (CV09-003).
- i) To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (CV09-003).

Attachments

Letter of Intent dated received September 30, 2009
Site Plan dated received September 30, 2009
Letter from Dillard & Galloway dated May 20, 2009
Letter of responds from Nancy Leathers Dated May 26, 2009
Letter from Dillard & Galloway dated July 8, 2009
Letter from Dillard & Galloway dated July 23, 2009
Parking Evaluation dated received June 26, 2009
Parking Evaluation dated received July 15, 2009
Course attendance 2009
Square footage breakdown of proposed building
Comment Letter from the Department of Transportation dated received April 10, 2009
Comment Letter from the City of Atlanta Department of Watershed Management dated April 10, 2009
Comment Letter from Fulton County Emergency Services Department dated received April 8, 2009
Comment Letter from Fulton County Department of Health and Wellness dated received May 6, 2009
Statement of Opposition
Letters of opposition
240 petition of opposition with 419 signatures have been submitted (all petitions are on file)
Photos of Existing Church of Scientology site

PLANNING COMMISSION

RZ09-001/CV09-003

5395 Roswell Road
Church of Scientology

Motion 1

Motion: Pond

Second: Maziar

Motion to deny alternative conditions
(5-0)

Motion 2

Motion: Pond

Second: Rupnow

Motion to approve staff's recommended conditions
(3-2) Maziar & Thatcher against





Rezoning Petition No. RZ09-001/CV09-003

HEARING & MEETING DATES

Community Zoning Information Meeting	Design Review Board Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
March 24, 2009	March 24, 2009	April 23, 2009	May 21, 2009 July 16, 2009 September 17, 2009 November 19, 2009	June 16, 2009 August 18, 2009 October 20, 2009 December 15, 2009

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Church of Scientology	Church of Scientology	Woody Galloway

PROPERTY INFORMATION

Address, Land Lot, and District	5395 Roswell Road (SR9) Land Lot 92, District 17
Council District	5
Frontage and Area	325 feet of frontage along the north side of Glenridge Road and 420 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.78 acres (77,536.80 square feet).
Existing Zoning and Use	O-I (Office and Institutional District) conditional under Fulton County zoning cases Z83-0119, currently developed with a brick building totaling 32,053 square feet 11,193 square foot parking deck.
Neighborhood District	Urban District
Comprehensive Future Land Use Map Designation	Live Work Community (LWC)
Proposed Zoning	O-I (Office and Institutional District)

INTENT

FROM O-I(OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I(OFFICE AND INSTITUTIONAL DISTRICT)

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow for a church in the existing building. The proposed renovations will increase the building square footage from 32,053 square feet to 43,916 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 24,671.91 square feet per acre.

Additionally, the applicant is requesting five (5) concurrent variances as follows:

1. To allow existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).
2. To reduce the twenty (20) foot side setback to five (5) foot to allow the existing building to remain. (Section 8.1.3.C, *Development Standards*)

3. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).
4. To allow for a parking lot without the required parking islands (Section 4.23.2, *Parking Lot Landscaping*).
5. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (Section F.1, *Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking*)

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ09-001 - APPROVAL CONDITIONAL
 CV09-003 #1 - APPROVAL CONDITIONAL
 CV09-003 #2 - APPROVAL CONDITIONAL
 CV09-003 #3 - WITHDRAWL
 CV09-003 #4 - APPROVAL CONDITIONAL
 CV09-003 #5 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the May 21, 2009 Planning Commission hearing. The Commission recommended for a **60 DAY DEFERRAL** (4-0, Thatcher, Pond, Rupnow, and Rubenstein for; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- June 16, 2009

The petition was heard at the June 16, 2009 Mayor and City Council hearing. The Council **DEFERRED** the petition to the July 16, 2009 Planning Commission hearing and the August 18, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

PLANNING COMMISSION RECOMMENDATION - July 16, 2009

The petition was heard at the July 16, 2009 Planning Commission hearing. The Commission recommended **APPROVAL** subject to staff's conditions (3-2, Thatcher, Boyken, Rubenstein for; Maziar and Rupnow against; Pond absent; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- August 18, 2009

The petition was heard at the August 18, 2009 Mayor and City Council hearing. The Council **DEFERRED** the petition to the September 17, 2009 Planning Commission hearing and the October 20, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

1. The alternate conditions presented at the Council meeting were not developed until shortly before the Council meeting. In an effort to address the concerns of the neighborhood about the parking for the facility. The Council would like the alternate conditions to be reviewed by the Planning Commission.
 2. The Applicant is in agreement with the alternate conditions.
 3. The alternate conditions can be found on pages 20, 21 and 22 of the staff report.
-

PLANNING COMMISSION RECOMMENDATION - September 17, 2009

The petition was heard at the September 17, 2009 Planning Commission hearing. The Commission recommended **DENIAL** of the application (3-2, Thatcher, Maziar, Pond for; and Rubenstein and Boyken against; Rupnow absent; Duncan not voting.)

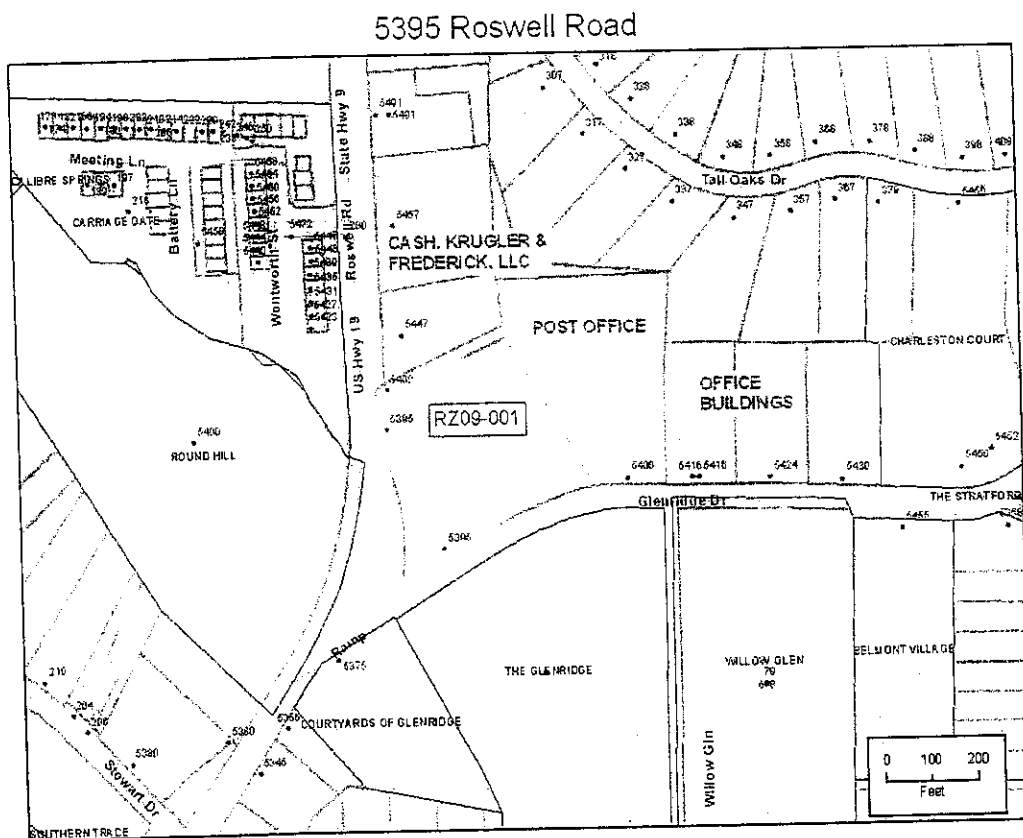
The Planning Commission had concerns with the 3.5 persons per vehicle parking ratio (283 persons per 81 parking spaces). They did not believe that this would provide adequate parking for the site.

MAYOR AND CITY COUNCIL ACTION- October 20, 2009

The petition was heard at the October 20, 2009 Mayor and City Council hearing. The Council DEFERRED the petition to the November 19, 2009 Planning Commission hearing and the December 15, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

The Mayor and Council would like the revised site plan showing the reconfigured parking, and the addition of two (2) variances to allow the parking lot without the required parking island and relief from the required shade trees every six (6) parking spaces to be reviewed by the Planning Commission.

Location Map



BACKGROUND

The subject site is located on the east side of Roswell Road (SR9). The property is zoned O-I (Office and Institutional District) conditional under Fulton County zoning case Z83-0119 and is currently developed as a brick office building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

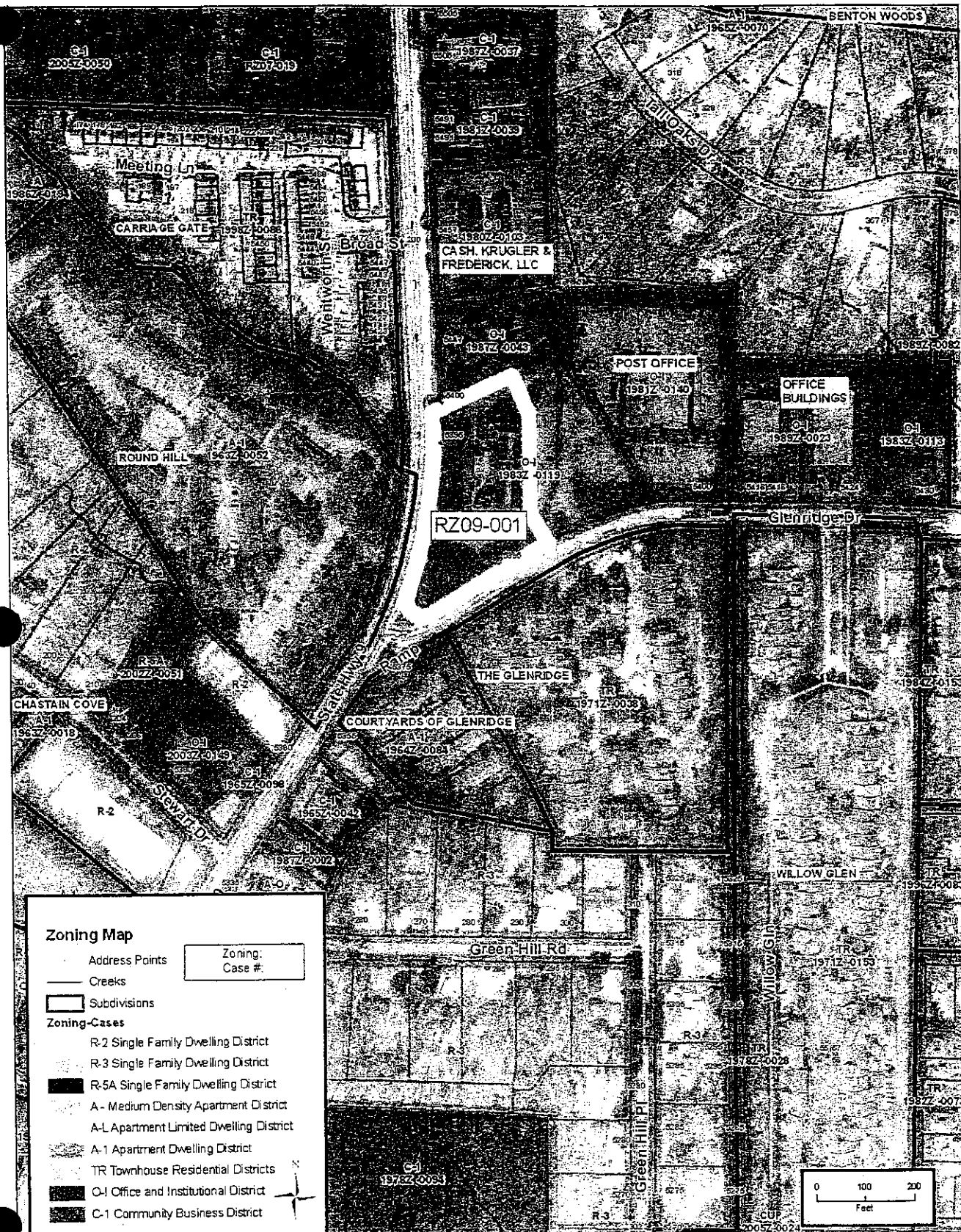
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ09-001 CV09-003	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	O-I	Church	1.78	43,916	24,671.91 Square feet per acre

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	O-I conditional Z87-0043	Cash, Krugler & Frederick, LLC 5447 Roswell Road	0.94	9,000 Sqft	9,574.46 Square feet per acre
North	C-1 conditional Z80-0103	5457 Roswell Road	1.65	20,736 Sqft	12,567.27 Square feet per acre
East	O-I conditional Z81-0140	Post Office 5400 Glenridge Drive	2.93	18,125 Sqft ±	6,186 Square feet per acre
East	O-I conditional Z89-0023	5416 Glenridge Drive	2.05	31,500 Sqft	15,365.85 Square feet per acre
South	TR Conditional Z71-0038	The Glenridge 5201 Glenridge Drive	6.52	46 Units	7 Units per acre
South	A-1 Conditional Z64-0084	Courtyard of Glenridge 5375 Roswell Road	2.10	25 Units	11.9 Units per acre
West	A-1 Conditional Z63-0052	Round Hill 5400 Roswell Road	9.93	130 Units	13.1 Units per acre
West	TR Conditional Z98-0086	Carriage Gate Townhomes	6.84	62 Units	9 Units per acre

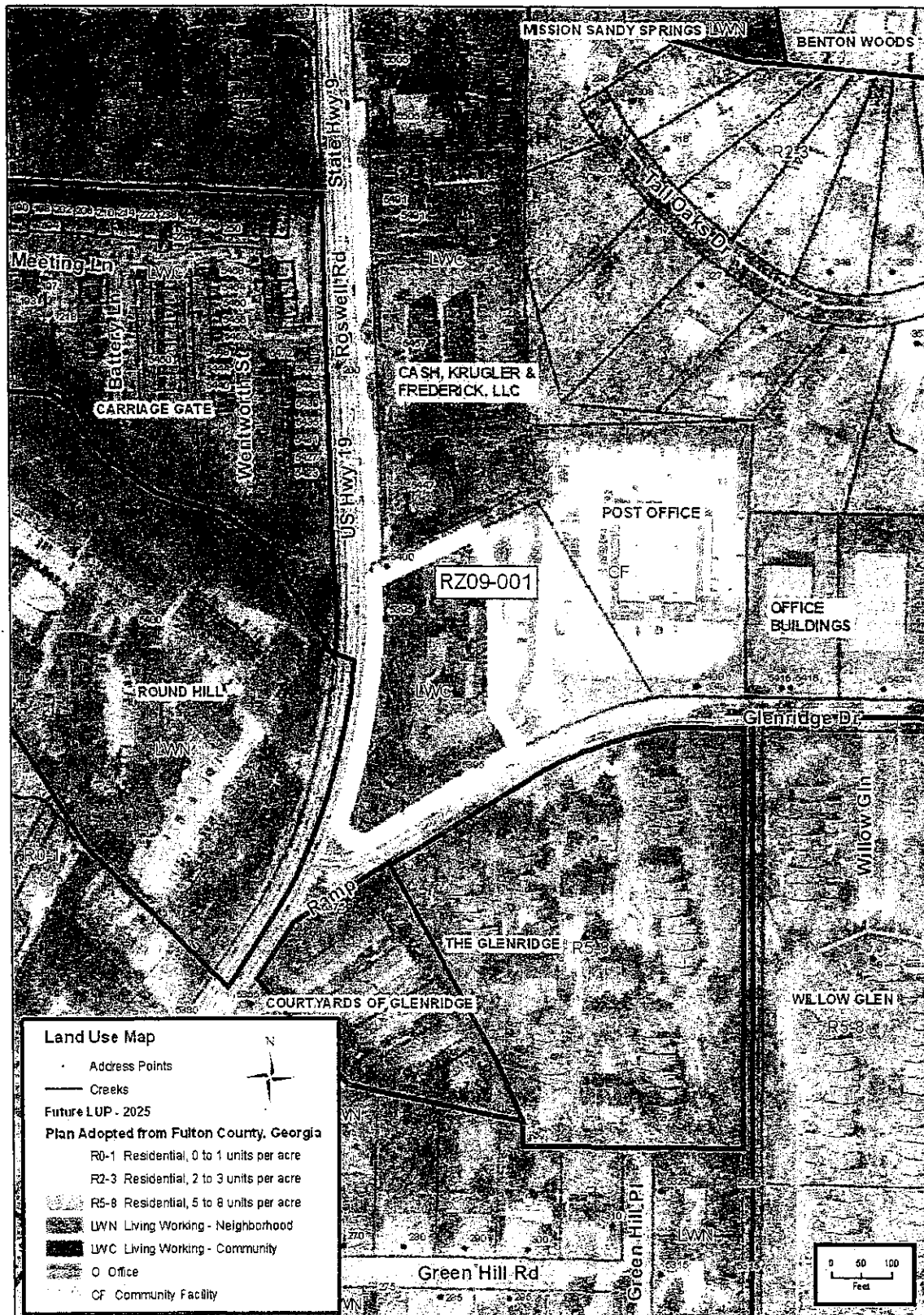
Zoning Map

5395 Roswell Road



Future Land Use Map

5395 Roswell Road

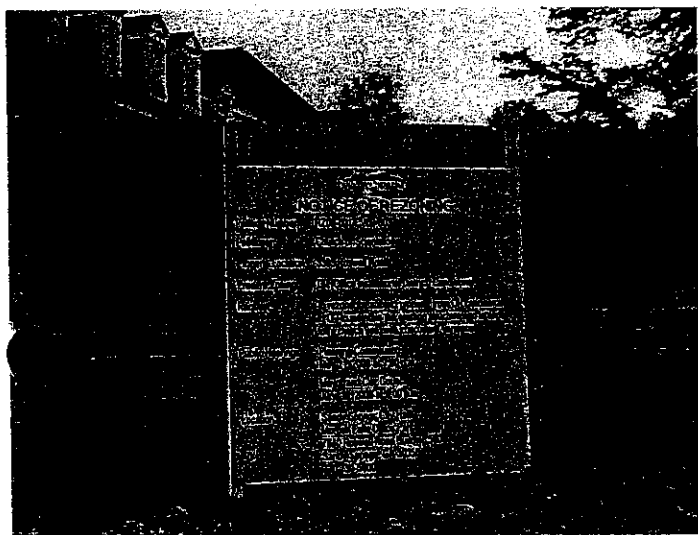




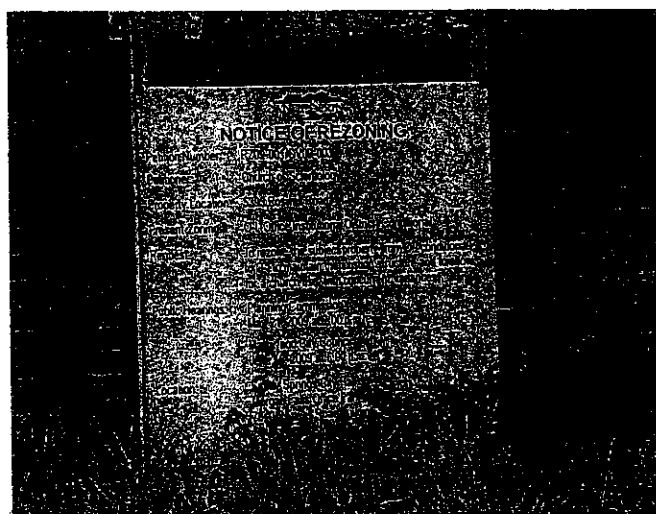
5395 Roswell Road (subject property)



5395 Roswell Road (subject property)



Notice of Rezoning Signs - Glenridge Drive



Notice of Rezoning Signs - Roswell Road



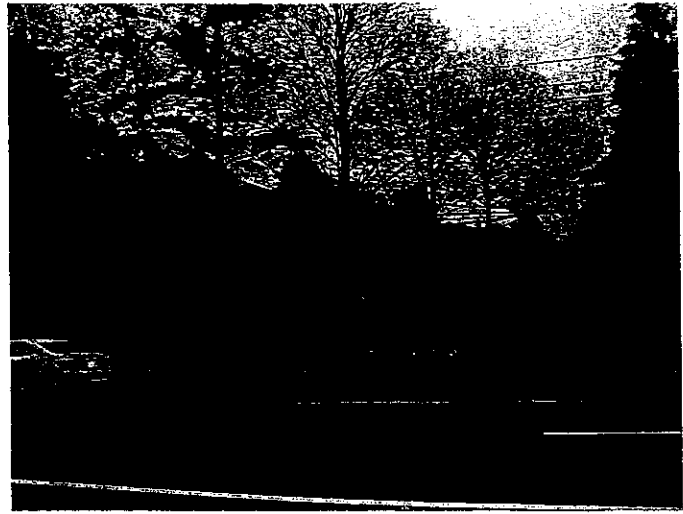
5447 Roswell Road (south of subject property)



Carriage Gate Townhomes
(southwest of subject property)



Round Hill Condominiums (west of subject property)



The Glenridge (north of subject property)



5400 Glenridge Drive – Post Office (east of subject property)

THE PLAN ANALYSIS

The proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot underground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building to convert it into a church. The total floor area is proposed to be expanded to 43,916 square feet by enclosing the 11,193 square foot parking deck. The proposed basement will contain the sanctuary, additional office space, and classrooms. The parking will be reconfigured to provide one-hundred eleven spaces (111) in the surface parking lot. The proposed surface parking lot will have seventy-four (74) parking spaces on the parcel and thirty-seven (37) on an easement from the Post Office. The surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and an access point at the Post Office's driveway from Glenridge Drive.

PARKING AND TRAFFIC IMPACT ANALYSIS

Normally, staff would analyze the parking needs for the Church of Scientology building relative to the size of the sanctuary. However, Section 28.1 paragraph 3 states in approving any zoning district change and/or use permit, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare. Based on the information provided by the applicant the proposed development will have a sanctuary which comprises of 3% of the total gross floor area, staff has instead analyzed the parking impact by the parking studies submitted by the applicant. Table 1. below compares the three sites and staff's recommendations. Table 2. Analyses the percentage of largest assembly area to the total square footage of the building.

The applicant has indicated that the sanctuary does not generate the largest number of people coming to the site. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,916 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,916 square feet would require one hundred thirty three (133) spaces. One hundred eleven (111) spaces would be provided. ~~There would be a deficit of nineteen (19) parking spaces under the proposed use.~~ The parking ratio for the proposed site (Table 2. below) is 2.53 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio. ~~and closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.~~ The site at 32,053 square feet would require ninety-seven (97) spaces which could be accomplished by restriping the existing parking lot. The site currently has one hundred eleven (111) spaces or a ratio of 3.46 spaces per 1,000 square feet. ~~As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred eleven (111) spaces (see Staff Recommended Conditions on page 18).~~

The applicant has submitted a revised plan for the 43,916 square feet building showing an increase in parking from eighty-one (81) spaces to one hundred eleven (111) spaces or a ratio of 2.53 spaces per 1,000 square feet. The applicant has also proposed to limit the occupancy from 283 to 170 persons (see Alternate Conditions on page 20). The occupancy of two hundred eighty-three (283) people was based on 3.5 people per vehicle/space (eighty-one (81) spaces provided). The applicant has revised this and is 1.5 people per vehicle/ space and with the number of parking spaces provided revised to one hundred eleven (111) parking spaces, the occupancy limited proposed is one hundred seventy (170) people. According to the National Household Travel Survey conducted by the U.S. Department of Transportation Federal Highway Administration (<http://nhts.ornl.gov/publications.shtml>) vehicle occupancy per vehicle mile by weekday status is 1.5 people per vehicle and weekend status is 2.0 people per vehicle. Based on the information provided by the applicant, it is staff's opinion that the proposed request of 43,916 square feet would meet the level of parking necessary to support the proposed use at an occupancy of one hundred seventy (170) persons. Therefore, staff concludes that there would be an adequate amount of parking for the proposed 43,916 square feet with the occupancy limited to one hundred seventy (170) persons.

Table 1

Site	Building Square Footage	Provided Parking	Transit	On-Street Parking
Proposed Sandy Springs	43,916	111(occupancy capacity 170)	Bus	None
Nashville, TN	38,000	114	Bus	Not Provided
Dunwoody, GA	11,500	Not Provided	Bus	None
Buffalo, NY	58,000	No specific parking	Bus/ Rail	Not Provided
Staff's Recommendation	32,053	111	Bus	None
Alternate Conditions	43,916	111 (occupancy capacity 170)	Bus	None

Table 2

Site	Building Square Footage	Sanctuary Square Footage	Sanctuary Percent of Building	Parking Provided	Parking provided per 1,000 square feet
The Church Scientology Sites	Proposed Sandy Springs	43,916	1,218	3%	111 (occupancy capacity 170) 2.53
	Nashville, TN	38,000	1,782	4%	114 3.0
	Dunwoody, GA	11,500	300	2%	Not Provided -
	Buffalo, NY	58,000	125 seats	-	No specific parking -
	Staff's Recommendation	32,053	1,400	4%	111 3.46
	Alternate Conditions	43,916	1,400	3%	111 (occupancy capacity 170) 2.53
Other Sandy Springs Places of Worship	Lutheran Church of the Apostles	28,322	8,770	31%	129 4.5
	Dunwoody Community Church	40,380	4,250	11%	174 4.3
	Temple Sinai	64,800	3,695	6%	210 3.2
	The Matthew Leighton Imerman Chabad Center	23,238	3,500	15%	120 5.16

LANDSCAPE PLAN ANALYSIS

The applicant is proposing to reconfigure the parking lot. The reconfiguration will be a combination of restriping and the addition of eighteen (18) spaces. The applicant has also agreed to install new streetscape along the property's street frontage. The streetscape requirement will be addressed at the time of the building permit. There will be no maintenance work to the building's exterior.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

VARIANCE CONSIDERATIONS

The applicant is requesting three (3) concurrent variance as follows:

1. To allow the ~~existing~~ parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).

The applicant is proposing to reconfigure the existing parking lot from eight-one (81) surface parking spaces to one hundred eleven spaces.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as parking currently exists in the front and side setback. The applicant is proposing to reconfigure the eighteen (18) parking spaces in the front yard setback along Glenridge Drive and create twenty-three (23) spaces. The applicant is also proposing to remove the five (5) parallel spaces along Roswell Road and create twelve (12) new spaces. Additionally, the parking will cause no detriment to the public as the parking is on the front and side of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape and size of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the parking will cause no detriment to the public as the parking is on the front and side of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

2. To allow the existing building to encroach within the twenty (20) foot side setbacks (Section 8.1.3.C, *Development Standards*)

The applicant has indicated that this variance is necessary to allow the existing building to remain in its current location, which is located five (5) feet from the eastern boundary with the United States Postal Service property.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and

that the reduction of the side setback will not have an adverse impact on neighboring or nearby properties. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape and size of the property and the location of the existing building create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the reduction of the side setback will cause no detriment to the public as the building currently exists in the side setback. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

3. To allow the existing sign to encroach into the right-of-way (Section 22.C, Sign Location).

The applicant has indicated that this variance is necessary to allow the church the use of the existing sign structure located on the corner of Roswell Road (SR9) and Glenridge.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The applicant has provided an updated survey showing the existing sign location to be in compliance with the sign ordinance and that the existing sign will not have an adverse impact on neighboring or nearby properties. Currently the sign does not create a site distance problem. The applicant is aware that the existing sign may have to be removed for future road work. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

The applicant has provided an updated survey showing the existing sign location to be in compliance with the sign ordinance and that the existing sign will not have an adverse impact on neighboring or nearby properties. Currently the sign does not create a site distance problem. The applicant is aware that the existing sign may have to be removed for future road work. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this concurrent variance request.

4. To allow for a parking lot without the required parking islands (Section 4.23.2, Parking Lot Landscaping).

The applicant has indicated that this variance is necessary to reconfigure the existing non conforming parking lot to add additional parking spaces.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as the parking lot currently exists without landscape islands. The applicant is proposing to reconfigure the existing parking lot to add more parking spaces. Additionally, the parking will cause no detriment to the public as the parking is located behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape and size of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the relief of parking lot landscape islands will cause no detriment to the public as the parking is located behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

5. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (Section F.1, Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking)

The applicant has indicated that this variance is necessary to reconfigure the existing non conforming parking lot to add additional parking spaces.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as the parking lot currently exists without landscape islands and shade trees in the parking lot. The site currently has trees planted around the perimeter of the property. The applicant is proposing to reconfigure the existing parking lot to add more parking spaces. Additionally, the parking will cause no detriment to the public as the parking located behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the relief of parking lot landscape islands will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way and the site currently has trees planted around the perimeter of the property. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on April 4, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Assistant Director of Building and Permitting	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no engineering requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no landscape requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ Right-of-way dedication: 55' from centerline of Roswell Road 45' from centerline of Glenridge Drive ▪ Right -of-way reservation: 55' from centerline of Glenridge Drive
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department (*see attached*).

PUBLIC INVOLVEMENTRequired Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 24, 2009 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 23, 2009 at the Sandy Springs City Hall

Public Comments

- No overnight stays - *agreed to by applicant*
- No residential use of the property- *agreed to by applicant*
- No Narconon- *agreed to by applicant*
- Installation of sidewalk on Roswell Road and Glenridge Drive- *addressed at time of building permit*
- Parking now and in the future - *inadequate as proposed by the applicant and based on supporting documentations*
- A cap on capacity- *based on fire code*
- Traffic - *see parking and traffic impact*
- How much larger will the church grow -*the applicant addresses the total proposed use*

- Traffic signal timing on Glenridge Drive- *will be reviewed by public works*
 - The City is not able to collect taxes on a church- *true*
 - Estimate time of construction *n/a*
 - Has the money been raised for the project *n/a*
 - Hours of operation - *8:00 am to 11:00 pm per the applicant*
- 289 petitions of opposition with 506 signatures have been submitted. All petitions are on file.

Notice Requirements

The petition was advertised in the Daily Report on May 1, 2009 and May 22, 2009. The applicant posted a sign issued by the Department of Community Development along the frontage of Roswell Road and Glenridge Drive on April 10, 2009 and has updated the sign posting as required.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 16, 2009. The Public Participation Report must be submitted on or before June 9, 2008.

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of office developments to the north, apartments and condominiums to the west, condominiums to the south and the Post Office to the east. The proposal allows for a proper transition between these areas.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property because this institutional use is consistent with other office and institutional uses in the vicinity.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property may have a reasonable economic use as currently zoned because this institutional use is consistent with other office and institutional uses in the area

D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Finding: The staff is of the opinion that the proposal as presented ~~does not~~ provides sufficient parking for the use. ~~Specifically, the sanctuary is not proposed to be the largest portion of the building. This lack of parking could~~ The proposed use will not cause an excessive or burdensome use of the existing infrastructure.

E. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Finding: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Live-Work Community (LWC). The applicant is proposing to allow for a church in the existing building with an expansion. The proposed density for the development is 24,671.91 square feet per acre. The LWC land use designation recommends a density of up to 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The proposal lends itself to the overall intent of the LWC designated areas that are intended for to serve a group of adjacent neighborhoods and compatible with low and medium density residential neighborhoods.

F. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

Finding: The applicant has indicated that the sanctuary does not generate the largest number of people coming to the site. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,916 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,916 square feet would require one hundred thirty 130 spaces. One hundred eleven (111) spaces would be provided. ~~There would be a deficit of nineteen (19) parking spaces under the proposed use.~~ The parking ratio for the proposed site (Table 2. above) is 2.53 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio, and closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

The site at 32,053 square feet would require ninety-seven (97) spaces which could be accomplish by restriping the existing parking lot. The site currently has one hundred eleven (111) spaces or a ratio of 3.46 spaces per 1,000 square feet. ~~As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred eleven (111) spaces (see Staff Recommended Conditions on page 18).~~

The applicant has submitted a revised plan for the 43,916 square feet building showing an increase in parking from eighty-one (81) spaces to one hundred eleven (111) spaces or a ratio of 2.53 spaces per 1,000 square feet. The applicant has also proposed to limit the occupancy from 283 to 170 persons (see Alternate Conditions on page 20). The occupancy of two hundred eighty-three (283) people was based on 3.5 people per vehicle/space (eighty-one (81) spaces provided). The applicant has revised this and is 1.5 people per vehicle/ space and with the number of parking spaces provided revised to one hundred eleven (111) parking spaces, the occupancy limited proposed is one hundred seventy (170) people. According to the National Household Travel Survey conducted by the U.S. Department of Transportation Federal Highway Administration (<http://nhts.ornl.gov/publications.shtml>) vehicle occupancy per vehicle mile by weekday status is 1.5 people per vehicle and weekend status is 2.0 people per vehicle. Based on the information provided by the applicant, it is staff's opinion that the proposed request of 43,916 square feet would meet the level of parking necessary to support the proposed use at an occupancy of one hundred seventy (170) persons. Therefore, staff concludes that there would be an adequate amount of parking for the proposed 43,916 square feet with the occupancy limited to one hundred seventy (170) persons.

G. *Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.*

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed use and density, when applied with either the recommended conditions or the alternate conditions, are consistent with the policies of the Comprehensive Plan. Therefore, the staff recommends APPROVAL CONDITIONAL of the request to rezone the subject property from O-I (Office and Institutional District) to **O-I (Office and Institutional District)** conditional and the associated concurrent variances. The staff recommends either the recommended conditions or the alternate conditions for the approval of the rezoning.

STAFF RECOMMENDED CONDITIONS

The staff recommends **APPROVAL CONDITIONAL** of the rezoning from O-I (Office and Institutional District) conditional to **O-I (Office and Institutional District)**. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Office and/or Church and associated accessory uses in the existing structure at a density of 18,007.30 square feet per acre or 32,053 square feet, whichever is less.
- b. No overnight stays (11:00 PM to 6:00AM).
- c. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.

2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development dated ^{May 5,} ~~September 30,~~ 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

- a. Streetscape including sidewalks will be required at time of building permit or land disturbance permit, whichever occurs first, subject to the approval of the Public Works Department.
- b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- d. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

To allow parking within the required minimum front yard setback (CV09-003).

- f. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting November 19, 2009

- g. To allow for a parking lot without the required parking islands (CV09-003).
- h. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (CV09-003).

ALTERNATE CONDITIONS

1) To the owner's agreement to restrict the use of the subject property as follows:

- a) Office and/or Church and associated accessory uses in the existing structure at a density of 24,671.91 square feet per acre or 43,916 square feet, whichever is less.
- b) The largest assembly area within the building shall not exceed 1,300 square feet.
- c) Except for a maximum of 4 special events per year, the total occupancy for the building shall be limited to a maximum of 170 persons based on a required parking ratio of one (1) space per every 1.5 persons within the building. Said 170 person occupancy shall be conditioned upon the continuation in full force and effect, in favor of the Property, of that certain Easement Agreement 1, dated May 25, 1988, recorded May 31, 1988 in Deed Book 11571, page 276 official deed records of Fulton County, Georgia by and among the United States Parcel Service and Glenridge Square, Ltd. Any special events which shall exceed the maximum 170 person occupancy, or the building's occupancy as adjusted below, shall be permitted through the City of Sandy Springs Special Event Process to ensure adequate traffic management and parking is provided.
- d) The occupancy for the building may be increased during the hours of 5:00 p.m. to 11:00 p.m., Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday by providing proof of a valid off-site parking lease for parking spaces located within 300 feet of the property. In addition, off-site parking may be provided between 300 feet and 5 miles of the property subject to approval of a transportation plan by the Director of the Department of Community Development. Occupancy for these hours may be increased based on a ratio of 1.5 persons of additional occupancy for every one (1) off-site parking space provided. Proof of valid off-site parking lease(s) shall be provided to the Director of the Department of Community Development prior to exceeding the maximum occupancy and by January 31st of each year thereafter. To be considered valid, the off-site parking lease must be for parking spaces which are not required parking spaces for another use, shall have a minimum thirty (30) day cancellation notice and require that notice of cancellation be provided to the Director of the Department of Community Development. Failure to maintain a current valid lease shall suspend any right to exceed the maximum 170 person occupancy until a new off-site parking lease is provided to the Director of the Department of Community Development meeting the conditions stated herein.
- e) On or before January 31st of each year, or within 30 days of receiving a request from the Director of the Department of Community Development, the Church shall provide to the Director of the Department of Community Development: (1) a report, signed under oath by an authorized Church official, detailing peak occupancy of the building by month for the preceding year, or such other period as designated by the Director of Community Development, and (2) an affirmation that the Parking Easement remains in full force and effect.
- f) No overnight stays (11:00 PM to 6:00AM).
- g) To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.

2) To the owner's agreement to abide by the following:

- a) To the site plan received by the Department of Community Development dated September 30, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of

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Occupancy.

- b) The Church of Scientology shall provide a letter, approved by the governing authority of the Church of Scientology and signed by an authorized officer of the Church, acknowledging that because of the unique build out of the Church at 5395 Roswell Road, and the fact that the number of parking spaces dedicated to the building's use is limited to 111 spaces: 1) the value and/or the ability to resell the building may be substantially affected by this rezoning; and 2) that use of the building for general office, another church, or other purposes inconsistent with terms and requirements of this zoning action, shall require rezoning with such rezoning to include but not be limited to the demonstration of compliance with parking requirements for the proposed use.
- c) Within 30 days of approval of the rezoning and variance requests to allow the Church's use at 43,916 square feet with 111 parking spaces, the Church of Scientology agrees to file a protective covenant in favor of the City of Sandy Springs, Georgia, which shall be placed on the deed records of Fulton County, Georgia, that upon sale of the property, any future purchaser acknowledges:
 - i) That the building has been designed, constructed and previously used as a general office building and the terms of the proposed use by the Church of Scientology, specifically the reduced parking ratios, cause the property to be out of conformity with the required parking ratios for general office under the City of Sandy Springs Zoning Ordinance;
 - ii) That the future purchaser/lessee does not have any vested right to utilize the parking ratio approved for the Church of Scientology by the City of Sandy Springs' zoning action, and upon change of use, shall, in addition to all other City of Sandy Springs, Georgia zoning requirements then existing, be required to demonstrate compliance with the then existing parking requirements for purchaser's proposed use or obtain a variance, rezoning, or other approval of its proposed parking ratio as required by the City of Sandy Springs, Georgia; and
 - iii) Failure to demonstrate compliance with the then existing parking requirements may require demolition and reconstruction of all or a portion of the lower enclosed area of the building and construction of the area for use as parking prior to the occupancy and use of the property.
- 3) To the owner's agreement to provide the following site development standards:
 - a) Renovation and build-out of the building shall be subject to plan review by the Department of Community Development to ensure, within the reasonable discretion of the Director of Community Development, that the build out shall minimize structural modifications of the building which would prevent or significantly increase the cost of restoration of the basement for future parking use.
 - b) Streetscape including sidewalks will be required at time of building permit or land disturbance permit, whichever occurs first, subject to the approval of the Public Works Department.
 - c) The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - d) The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - e) Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for

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compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- f) To allow parking within the required minimum front yard setback (CV09-003).
- g) To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).
- h) To allow for a parking lot without the required parking islands (CV09-003).
- i) To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (CV09-003).

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Attachments

Letter of Intent dated received September 30, 2009
Letter dated received September 30, 2009
Letter from Dillard & Galloway dated May 20, 2009
Letter of responds from Nancy Leathers Dated May 26, 2009
Letter from Dillard & Galloway dated July 8, 2009
Letter from Dillard & Galloway dated July 23, 2009
Parking Evaluation dated received June 26, 2009
Parking Evaluation dated received July 15, 2009
Course attendance 2009
Square footage breakdown of proposed building
Comment Letter from the Department of Transportation dated received April 10, 2009
Comment Letter from the City of Atlanta Department of Watershed Management dated April 10, 2009
Comment Letter from Fulton County Emergency Services Department dated received April 8, 2009
Comment Letter from Fulton County Department of Health and Wellness dated received May 6, 2009
Statement of Opposition
Letters of opposition submitted (all previously attached letters and e-mails are on file)
289 petition of opposition with 506 signatures have been submitted (all petitions are on file)
Photos of Existing Church of Scientology site

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